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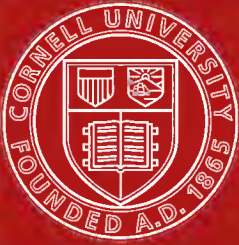
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**THE TRAGEDY OF QUEBEC:**

**THE EXPULSION OF**

**ITS PROTESTANT FARMERS**

*Gilchrist Collard*  
*Montreal, P.Q.*  
*April 1908*

BY ROBERT SELLAR

HUNTINGDON, QUE.

1907

**Entered, according to Act of the Parliament of Canada,  
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# **THE TRAGEDY OF QUEBEC**





TO  
THE FARMERS  
WHOSE RIGHTS  
I STRIVE TO VINDICATE  
I DEDICATE  
THIS BOOK



## PREFACE

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When I came to Huntingdon forty-four years ago the county, leaving out one of its municipalities, St. Anicet, was as solidly Protestant as any in Ontario. I have witnessed the decline of its Protestant population to the point of being in the minority. The same change, only in a more marked degree, has taken place in all the counties east of the Richelieu. Missisquoi, founded by U. E. Loyalists, has ceased to be Protestant. Drummond, Wolfe, Shefford may be said to be Catholic. The transformation has been going on with startling rapidity during the past fifteen years. Often, when friends deplored the departure of Protestant farmers, I heard them ask, "Did the electors of the other provinces know what is happening to us in Quebec, would they not intervene?" I thought of including testimony from residents of different sections as to the extent of the change going on, but desisted on finding reluctance to putting their names to the information they gave me. This was no reflection on these friends, for to make themselves known would be, in their several neighborhoods, to expose them to the malignity of the dominant power. The proof of the expulsion of Protestant farmers is abundant without individual evidence. It is palpable to the most unobservant. It is open to question whether this book will help the Protestant farmers. There is, however, no question as to the failure of the policy that has been pursued—the policy of fawning, of silence, of loud talk about tolerance, broad-mindedness, living in peace and harmony,—a policy most agreeable socially, in business profitable, in public life the only road to preferment, but under which the Protestant farmers have gone on disappearing. Agitation on their behalf may fail to help them, but cannot make their situation worse. Viewing the immense resources of the church of Rome in Quebec, how its influence permeates every channel of life and bends every interest to advance its own, with no encouragement from the other provinces, no offer to help them, it is not surprising that the Protestant farmers of Quebec have hitherto made no resistance. The express on

often heard among them, "What's the use of butting our heads against a stonewall?" "We don't like it, so let us get out and leave the province to them," represents their attitude. While Protestants form a smaller part of Quebec than they did, yet at no period have they contributed so large a proportion of the revenue, either in customs duties or taxes imposed by the legislature. They are the chief taxpayers, yet it is a significant commentary on their policy of tame submission, that they never exercised less influence at Ottawa and Quebec. In the hope that a plain statement of the case of the Protestant farmers of Quebec will bring them help, and lead to such legal changes as will preserve those settlements that are still substantially intact, I have written this book. Doing so means to me loss of friends and loss of business, so that nothing save a sense of duty actuates me. I could not find a publisher, even in Toronto, and the printing, poor as it is, was effected at a sacrifice.

Huntingdon, August 12, 1907.

## INTRODUCTION

The eighteenth century was nearing its end before the solitude of that vast region which lies south of the parishes that border the St. Lawrence, between the Chaudiere and the Richelieu, was disturbed by aught save the cry of the water-fowl as it winged its way over lake Memphremagog, or the howl of the wolf from its rocky den on the slopes of Mount Tom. The old world had been rent by wars, dynasties had risen, flourished, and disappeared, and yet that bewitching expanse of forest, lake, and mountain, threaded by rivers beside which the Thames and Clyde are but streamlets, continued undisturbed, its beauty and possibilities of wealth alike unknown. From a sky as clear as that of Italy the sun bathed this region of romantic beauty summer after summer, autumn dyed its mantle of forest in hues of gold and scarlet, and winter mantled it in ice and snow, but all this loveliness for uncounted centuries was unseen by man, save when some lone Indian in search of game strayed from his fellows. It must be a baffling thought to the dweller of the Old World that a stretch of country larger and fairer than that for which kings fought and vast armies perished remained unowned and unoccupied down to a period almost within the memory of a few yet living.

The day, however long delayed, came at last when the white man, intent on making a home in this long secluded land, crossed its charmed frontier. He was a scout from a host of people dissatisfied with the granite hills of New England. His rifle was his dependence for food; his axe his weapon for

subduing this untamed wilderness. Selecting the spot for his future home on the bank of some glassy lake, where the growth of timber told his experienced eye the soil was rich, he woke the echoes which, for aught we know, had slumbered since the world was new, as he felled the first tree, and with it the virgin page of an untold past was soiled and the charm of this long-secrested solitude broken. The deer, startled as it grazed on the spring-buds by the unwonted sound, leapt into the darkest recesses of a forest whose hour had come. With the admirable skill of the American woodsman the newcomer hewed and shaped the fallen trees and then drew them together to form a rude shelter that would serve until a better house could be built. Then he left, blazing the trees as he went backward, forming the first avenue of communication. Before a month had sped he returns, but not alone: his wife and children are with him. From dawn to dark the sound of the axe is heard, the felled trees are piled together, and one night the glare of their burning gilds forest and lake. The wife and mother aids the stalwart husband in rolling aside the trunks that defied the fire, and the first clearance is made. The seed, so painfully carried on the back from the far-south home in Massachusetts, is committed to the virgin soil, and in its rapid growth the eager couple see food for the coming winter. But there is no cessation to their toil. The war on the forest goes on and logs are shaped for a shanty that will defy the weather. When the corn begins to tassel visitors come, relatives and old neighbors to see for them-

selves this new land and how their friends are faring in it. They help to rear the modest shanty and having seen how much better this country is than that where they dwell, they resolve to make the change when they have gathered their harvest from their stoney fields. Before the first snowflakes fly from not one but half-a-dozen shanties smoke rises above the tree-tops.

Once started, the growth of the settlements was rapid. Paths were blazed from what is now New Hampshire and Vermont, and over them streamed a hardy class into the recesses of the newly opened region. Those in the western section found convenient access to Montreal by way of the Richelieu and by opening short lines of road northward, but those to the east were not so fortunate. They were much farther south of the St Lawrence and a broad belt of hilly country, covered with forest, bade defiance to their efforts to reach Quebec. The settlements had grown to some importance long before even a rumor reached the ears of the people of that city of what was going on to the south. Trappers first brought word of the incursion of New England squatters into Canada and lumbermen gladly found in the new settlements an unexpected source of supplies. When the facts became known the elder Papineau and his coterie were annoyed: they desired no increase in the number of English-speaking people, and, had it been in their power, would have expelled the new-comers. The governor proposed a road be built from Quebec to give them access to the city. Papineau resented the proposal: the legislative assembly would not vote

a sou for such a purpose. The proposed road hung fire until, in 1810, Governor Craig overrode the will of the legislature by employing squads from the garrison to make it. It was indispensable, he said, to shew these strangers they have made themselves part of Canada and to cause them to take an interest in its government. A channel of communication between them and us, he went on to declare, must be formed, and to secure the money needed to hew a path through the intervening forest he sold the land it crossed. The summer of 1810 was altogether unfavorable for road making and the building of bridges yet, despite rain and cold, the soldiers worked vigorously. At no period had agriculture among the habitants been at lower ebb: from their wretchedly tilled fields they barely harvested enough to supply their own wants. High prices, paid cash down, failed to bring a sufficiency from the parishes surrounding Quebec to feed its garrison. Governor Craig saw in the new settlements a sure source of supplies and he was not disappointed. No sooner did his road tap them than droves of cattle were driven over it. At the beginning of September the price of beef in Quebec market had fallen from 14 cents a pound to 8, and six weeks later it could be had for 6, and of better quality than the parishes supplied. It was a rough road, stretching from Quebec to Shipton, where it connected with a road the settlers had made, but it ensured the development of the new settlements by giving them a market. In summer over it went bellowing a succession of herds of beef cattle: in winter sleighs laden with grain and pork. Mr Bou-

chette, traversing it on its opening, tells with astonishment the progress he found in the new settlements, the succession of tidily-kept homes, surrounded by gardens and freshly-planted orchards, primitive grist and saw-mills on the streams, incipient villages with workshops and asheries, churches and schools. The population he estimated at 20,000. The coming of war in 1812 increased rather than diminished the population. War against Britain was unpopular in New England and the number who volunteered was insufficient to supply the quota of men required from each State. Conscription had to be resorted to, and to escape the draft hundreds, possibly thousands, fled across the line into the new settlements. Many in the townships to-day, who affect to be of U.E. stock, are descendants of these skedadlers. An untoward effect of the war was the closing of the Craig road. As a possible avenue for invasion, its bridges were destroyed and the highway blocked. Despite that, the settlements flourished. The British commissariat was offering unheard of prices for supplies, and cattle and grain by devious ways reached camp and garrison. With the passing of the war-cloud, which to the new settlers had a silver lining, prosperity increased. Those stoney slopes which strike the traveller to-day as barren, yielded then, a lot of ready money by converting the trees that clad them into potash, and once cleared several crops of wheat. To be candid, all the settlers were not industrious. Fugitives from justice found in the new settlements safety from U.S. officers, for there was no extradition treaty. Bishop Stewart, in his experiences at Frelighsburg,

has given us a vivid insight into the character of this lawless portion of the population. Men who had fled to escape paying their debts, forgers, thieves, clustered along the frontier and avoided defining their crimes by using the convenient phrase that they were "linebound."

Hitherto the population was almost entirely of American origin, the scattered communities being as intensely New England in customs and opinion as those in Vermont, New Hampshire, and Massachusetts from which they had been detached, but it was now to be leavened by an infusion from the British isles. The cessation of the Bonaparte wars was followed by a collapse alike in agriculture and commerce. Farmers were unable to pay their rents, manufacturers could find no customers for their goods, traders were ruined by bad debts. In the country farm-laborers were starving: in the cities the streets were thronged by mechanics in search of work. Distress was as general as it was acute. Among the means of relief suggested was emigration. In those days the proposal was a novelty, and, at first, was repulsive to those to whom it was proposed. Passionate affection for the land of their birth, dread of a dangerous sea-voyage, and of the hardships to be met in an unknown land, had to be overcome. In 1818 a beginning was made, and the experiences of those venturesome spirits who led the way were eagerly read. Their letters were passed from family to family in the parishes they had left. They told of a good land in the West, where every man could win a farm by hard work. Repugnance to emigration rapidly wore away, to give

place to eagerness to begin life anew beyond the Atlantic. The Imperial government assisted by setting aside war-ships that had followed the flag of Nelson to carry those disposed to leave, coupled with promises of free grants of land and some assistance in making a start in life in the bush. Each year saw the volume of emigrants increase, and it was no wonder, for, save that love of native land which distinguishes the Anglo-Saxon, there was naught to keep back the working classes. The lot of the peasantry was peculiarly hard. The son of the cotter, even in those tender years when others more favored are at school, was set to work to increase the family earnings that procured only the coarsest food. Manhood was a period of hopeless toil, every copper he earned needed to save those he loved from privation; cringing to the titled owner of the acres he labored, bullied by the great man's factor to supply more money for his extravagance, taxed on everything to maintain a great military establishment and to pay interest on the public debt. Ground down in body and spirit he saw no escape from the shadow of seeking poor-relief should sickness disable him or when old age overtook him but by facing the horrors of the Atlantic passage in the hold of a small and ill-found ship and of braving the toils and privations of the backwoods. For over 36 summers there was a constant stream of sailing-ships, leaving the ports of England, Ireland, and Scotland, whose course is, to this day, marked in ocean depths by the bones of those who perished from disease and hunger while seeking the St Lawrence to find refuge from the conditions they

were fleeing from. Then was the opportunity of peopling the Eastern Townships with settlers who would have averted the fate that has overtaken them, but it was missed. A few runlets from the great tide of immigration that was sweeping up the St Lawrence were indeed turned into the townships, but they were trifling compared with what they might have been. The cause was the selfishness of individuals, the fatuity of the local government. Instead of holding the land to bestow on whoever undertook to clear it, the government granted it to favorites. When the poor immigrant, whose wealth lay in his sturdy limbs, sought land in the townships, he found it had been conceded by the government, and that the owner wanted a price he could not pay. Turned aside he sought the free grants in Ontario. Great blocks of land were every where thus held, whose owners neither made roads nor paid taxes, yet whose property was growing in value from the improvements made by the settlers around them. Tens of thousands of immigrants, who would have gladly filled the vacant lands that lay between the parishes bordering on the St Lawrence and the United States; were turned away, and the last opportunity of making Quebec essentially British was lost. Isolated parties of immigrants, however, did find a footing. Scattered over the wide territory that stretches between the head-waters of the Chaudiere and the majestic Richelieu settlements sprung up, of Irish, both from the South and North, of Lowlanders and Highlanders, and of English, showing what might have been. This influx from



the United Kingdom, small as it was, modified the character of the American element. West of the Richelieu there was along the frontier a stretch of land still in a state of nature. Here immigrants were more successful in getting a foothold, and Lacolle, Napierville, Chateauguay and Huntingdon gave promise of becoming English-speaking counties.

These settlers from the Old Land started under different conditions from the Americans, who could regain their birthplace by a few days' journey along forest paths, who were in their native element in bush-life, and who knew how to meet the vicissitudes of the climate. The Lowland Scot, with his family, rejoiced to be released from shipboard with its horrors of dirt, disease, and lack of food and water, eagerly sought the bush of which he had heard so much. When landed on the lot he had acquired, and the cadence of the paddles of the canoe that had conveyed the family was lost in the distance, he had time to survey his new estate. His wife, seated on the chest that represented their chief wealth, overcome by the sense of perfect isolation, realizing their separation from kindred and fearful of the future in this lonesome wilderness, unable to stifle her emotions, burst into weeping, while the younger children around her, unable to comprehend her regrets for the past or her fears for the future, were lost in wonder and admiration of the novel sights which surrounded them, and Colley, whom they could not bear to leave behind when they left their home amid Scotland's hills, barked in delight at the squirrels who, darting from tree to tree, eyed the new-comers

with daring curiosity. The father, as he scanned the over-shadowing trees, which opened in endless vistas wherever he turned his gaze, realized the gigantic task he had assumed in conquering these giants of the forest and wringing from the soil, cumbered with the litter of centuries, the food to feed his dear ones. The feeling of despair that hovered near was driven back by the proud thought that the land on which he stood was his own, and that, for the first time in his life, what he wrought for would be his. Grasping the axe he had bought at Quebec he, unused to handling it, awkwardly attacked the saplings around him to form a covering against the cold of the fast-coming night, while his wife, suppressing her emotions, set to work to light a fire and prepare their first meal. When the placid surface of the river was reflecting the glow of the evening sky, the father ceased his labors and all gathered to partake of it, with thankful hearts. And then, before retiring beneath the booth of poles and brush the father had managed to shape, with no sound to disturb them save the chitter of some mother-bird as she gathered her nestlings under her wings, and the laving of the stream on whose bank they clustered, rose, for the first time since Creation's dawn, the sounds of praise and prayer. With full hearts that psalm in which the Scottish peasantry have for generations expressed alike their trust in and thankfulness to an ever-present God, the 23rd, was sung, then the father poured out his gratitude to Him who had preserved them amid the dangers of the deep and whose kindness had followed them into the wil-

derness. At the petition for those they had left behind, the answering sob of wife and daughter spoke of the undying affection of the Scot for kith and kin, and for the dear old land. The help of distant neighbors having been sought, a day was fixed for a bee, when trees by the score were felled and out of their trunks logs fashioned to build the walls of a shanty, and when the wife took possession she felt prouder of it than a duchess of her mansion. Their days were days of unceasing toil, of hardship and privation; when the nights grew long and the maples were reddening, the store of potatoes hoed in amid the tree roots was secured, and these were the chief winter's food. The patching and mending of clothes to resist the bitter cold of a Canadian winter, the unremitting warfare with the axe to enlarge the clearing, the joy in securing the first pig, the first cow, the first horse, the widening fields, the growing means, encouraged effort and deepened satisfaction, until the time came when the parents could rest in simple competency. All, however, in that severe ordeal were not successful. Many who tried to carve from the forest independent homes lost heart and abandoned what they had accomplished

but the majority persevered until success rewarded their efforts, and from forbidding wilderness of swamp and bush they created what came to be ranked among the finest agricultural sections of the Dominion.

These settlers, whether American or British, dispossessed nobody. The country they occupied was in a state of nature when they went upon it, for it had never been ceded, the title being still held by the crown. In the name of the king governors gave these settlers patents for their lots and promised them protection under the laws of England. The land, therefore, was theirs by authority of the king and by their labor in clearing and bringing it into cultivation. Yet they were treated by the representatives of the majority as intruders; as being where they had no right to be. The history of Quebec during the 19th century largely consists of attempts, under varied pretences, to drive them away; the beginning of the twentieth sees the fruition of these attempts. To trace to their source the causes of this antipathy to English-speaking occupants of the land in Quebec and follow its results is the purpose of this book.

## CHAPTER 1.

When the feudal system was strong, when to be a soldier was considered the proper occupation of a gentleman, when war was chronic, and Europe a battlefield, there came the astounding announcement that a new world had been found beyond the Atlantic. The announcement was not welcomed as opening a way of relief for the suffering masses, for there was poverty and wretchedness among the peasantry to which there is no parallel in our day. Such an idea was not conceivable to the governing class, who regarded the common people as the Athenian looked upon his slaves, as beings different from himself. Their condition never gave a thought to those who could have helped them. Colonization is a modern conception: the transplanting of people in order to better themselves never dawned on the minds of the kings and nobles of those days nor for a century or two succeeding the discovery made by Columbus. All they thought of was enriching themselves, and they regarded the new world as the miner looks upon the glistening rock his pick has unexpectedly uncovered. Spain jealously resented intrusion into those countries where the precious metals existed, so that the kings of other nations, whose cupidity was aroused by the stories of shiploads of bullion poured into her lap, had to try the shores north of the Tropics, and successive explorations proved that neither silver nor gold was to be found in them. Disappointed in this, they cherished the idea that a passage might be found leading to China and the Ind. In those

days these countries were believed to be possessed of wealth that baffled imagination. The tales of the few Europeans who had survived the perils of the journey merely whetted the desires of those who heard them, and the belief was general that if a short cut could be found, he who reached the Orient would come back laden with pearls and diamonds and gold. One way had been found, round the Cape of Good Hope, but that involved a voyage for which their ships were so unequal that the perils and sufferings of those who dared it appalled those who would have liked to follow them. A short route westward was sought, and that which was the inciting motive of the King of Spain in helping Columbus, caused Henry of England to equip the expedition of Cabot, which resulted in the discovery of what we now call Canada. Disappointed in his not finding the passage sought, Henry did not follow up the discovery made, the knowledge of which, however, was given to the world together with a chart, showing the coast-line Cabot had traced. Thirty-seven years passed, when the King of France helped Jacques Cartier to equip an expedition to explore the land Cabot had discovered. That America was a great continent, vaster than Europe, was not conjectured by any explorer, and if one had hazarded such a surmise, it would have been treated with scorn. The land Columbus discovered and whose coasts, north and south, were traced by his successors, they believed to be an island, a long one to be sure but narrow, and there must

be a passage across it. The spanning of the isthmus of Panama confirmed this misconception, and ship after ship was sent to find an opening in the long barrier of land thru which they would sail to the Pacific and come back with their holds filled with the riches of the Ind. This was the cause of the assistance given by the French King to Jacques Cartier on his three voyages. He did not sail, as is popularly supposed, to an unknown land, for the coast-line of what we now know as Massachusetts, Maine, Nova Scotia, Newfoundland, Labrador, had been defined and laid down in maps. More than that, fishermen had already discovered the inexhaustible wealth of the banks that lie off Newfoundland, and ships from as far south as Portugal and north as Iceland dropped their lines upon them each summer. It is probable Jacques Cartier was among these fishermen, and that it was while so engaged he heard from the Indians on the shores of Labrador, where the crews landed for wood and water, that the straits of Belle-isle led to a great inland sea which ran westward. That this great sea was the long-sought break in the wall which led to the Pacific was his conclusion, and the records of the three voyages preserved show how confident he was in his belief. Sailing through the straits of Belle-isle he found his way into the gulf of the St. Lawrence, and, as day after day, he traced its shore-line trending southwest, he believed he had made the grand discovery. In this belief his second voyage confirmed him, when he penetrated still farther west, expecting each day the channel would expand

into the broad Pacific, when he would shape his course for China and return to France in triumph. In this delusion he was only the first of a number of his countrymen, who, in subsequent years, fruitlessly sought a passage to China by the St. Lawrence. While baffled in the object of his voyages, Cartier's visits to the St. Lawrence showed him a profitable trade could be established with the Indians, for he was a trader from a trading-town and had an eye to the main-chance. He began that barter with the Indians for furs which ultimately led to France's connection with Canada. The current belief that Cartier's discovery of the St. Lawrence valley was followed by its possession by France and its settlement is without foundation. Cartier abandoned Canada, so did Roberval, and no Frenchmen were induced by what they told of their experience to take up residence on its shores for nigh seventy years. During that long period Canada was no man's land—free to whoever chose to visit its waters and trade with the Indians who prowled along the shore. The hardy fishermen from England, France, Portugal not only filled their holds with fish caught in the gulf and its bays, but added to their profits by dickering with the Indians for furs. For nigh a century Canada bore the same relation to Europe as Patagonia does to the civilized world of our own day—a place free to whoever wished to go and seek the riches to be found in its waters, to trade with its natives, and, if regard for their scalps permitted, to settle on its land. The majority of the boats that thus paid summer visits to the St.

Lawrence were manned and owned by French Protestants who were energetic and daring beyond their fellows. Tadousac harbor was their headquarters, followed in time by Quebec, Three Rivers, and Montreal. This fact that it was French Protestants who developed the resources of Canada, is constantly ignored. It was the work they did during those seventy years that prepared Canada for permanent occupancy. The rivers were the highway of the Indian, and at the mouths of the Saguenay, the Maurice, and the Ottawa the daring Huguenot trader awaited him. The trade was dangerous and fitful. Some seasons full cargoes were obtained; others not sufficient to pay expenses. This arose from the irregular habits of the Indian, whose main purpose in life was war, hunting for furs being a by-occupation. Often the trader waited at the mouth of the Maurice or Ottawa for the appearance of the string of birch-bark canoes and waited in vain: the redmen were on the warpath. The long continuance of this irregular traffic kept the name of Canada before the world and associated it with the supply of fish and furs, so that, in time, the rulers of France came to consider it would be a desirable dependency. The weak efforts they made to reoccupy it showed, however, their low estimate of its value. If any merchant or combination of merchants in St. Malo, Rochelle, or Harfleur would undertake the risk and expense of taking possession in the name of France, the government would give him or them a monopoly of its trade. The bait was poor enough, but towards the beginning of the 17th century a few

snapped at it and lost money. None succeeded until Champlain appeared.

There are only two men whose names are associated with the settlement of Canada to whom the epithet distinguished can be joined. One was Champlain the other Frontenac, and both, while most dissimilar in character, were alike in this, the coming of each marked a new era in the destinies of the country. Champlain combined, like hundreds of others in the Atlantic seaports of those days, the callings of sailor and soldier, trader, and explorer. With the aid of a Protestant, de Monts, he sailed for the St. Lawrence, intent on making money out of the concession of license to its trade which Henry IV. had bestowed upon his friend. The uselessness of the royal gift was shown by the disregard of the Huguenot skippers found at Tadousac, who flouted the King's letters-patent and pointed their cannon at the ship of its possessor. Champlain perceived that whoever wished to get ahead of the free-traders and make anything out of the country, must build permanent trading-posts and be prepared to follow the Indians in seeking their custom. In this Champlain anticipated the policy of the Hudson bay company, one of the richest and most powerful of corporations. He built huts at Quebec and for the first time in 73 years Frenchmen stayed over the winter, and thus France resumed her occupation of Canada, which really dates from 1608, and not from 1543, the year when Jacques Cartier and Roberval abandoned it as worthless territory. Having built a resting-place, Champlain next turned to the wander-

ing bands of Indians, whom he sought as customers. Among the means to secure their attachment he backed them in their disputes, went with the tribes he favored on the war-path, and won for them easy victories with his matchlocks. It was a disastrous move. He failed to make permanent friends of the savages he helped, while those whom he discomfited became the inveterate enemies of the Frenchman. Thenceforth the history of the French in North America is largely a record of Indian wars. Marching with his new found friends on the war-path, revealed to Champlain the interior of the country, giving him some idea of its vastness. He saw a lake that was given his name, he penetrated far towards the sources of the Maurice and Ottawa; he stood on the shores of the great inland seas—lakes Ontario and Huron. In regard to this matter of the exploration of interior of the continent, parallels have been drawn between the settlers of New France and of New England, disparaging to the latter. Those who have done so overlook the fact that the St. Lawrence is the key of the northern section of the continent, and that possession of that key fell to the French. To explore the region west of the Massachusetts settlements meant journeyings on foot that were practically impossible from the difficulty of carrying sufficient supplies thru trackless forests, the encountering of expanses of swamp, the oft recurrence of fordless rivers. Daring and enduring of fatigue and privation as the backwoodsmen of New England were, it was a physical impossibility to penetrate any

great distance westward. It was far different with Champlain and his fur-traders. They had a highway provided by nature into the interior and on which their vehicle, the canoe, could make as easy a passage then as now. It was by following the waterways that the head of lake Superior was reached and the Mississippi tapped. It is more of a reflection on the want of energy and enterprise of the dwellers on the sites of Quebec and Montreal that, with such ready means at their disposal, 26 years elapsed from Champlain's settling at Quebec before they discovered lake Michigan, 41 before they saw the waters of lake Superior, and 65 years before they ascertained a great river flowed southward into the gulf of Mexico. Had the New Englanders been planted on the banks of the St. Lawrence would they have rested content two score years before they found out whence the mighty river came and to what regions its lakes and tributaries led?

Champlain's connection with Canada covered a period of 32 years. It made such trifling progress that at the end of these years his enumeration of its settlers gave Quebec a population of only 120, and his estimate of the total number of Frenchmen in New France was only 200. Had it not been for one circumstance, the annals of his time would have simply resembled those of any fur-trading company. That circumstance was the Church of Rome making Canada a mission-field. Altho not the first to come, the Jesuits speedily monopolized the undertaking of the task to bring the Indians within their church. The Jesuits had learned the service

that can be rendered to any cause by the printing-press, and each year the parent society in France prepared selections from the reports sent by those in charge of the stations and published them, thus anticipating the modern missionary tidings. These reports are tiresome and monotonous in their narratives, and abound with pious inventions. The object of publishing these reports, or relations, was to induce those who read them to contribute towards carrying on the work, so a good story was always told of marvellous successes with exaggerations of sufferings and of need for assistance. The alleged conversions are not by ones or twos but by thousands, sealed by stories of providential interventions and miracles that only a credulous and childish generation would credit. As these reports appeared regularly during 40 years, they are exceedingly voluminous. What the Jesuits meant by conversion was baptizing the Pagan. That he understood the rite or was willing to submit, made no difference. If there was no water at hand, the Jesuit, by moistening his finger at his lips, dotting the outline of a cross on the forehead of the savage, with the muttering of the prescribed formula, held that his act changed the destiny of the Indian from perdition to salvation. The church was the ark, baptism meant admission into it, and the devotees in Old France were regularly regaled with reports of hundreds of conversions. The Indian might go on in his old courses, and they were abominable beyond those of any South Sea islander, but they did not affect his new character. When

he visited Quebec, if he appeared in a religious procession in the forenoon, he might engage in the torture of an Iroquois captive in the evening. The change was nominal: change of heart and disposition was not sought. When the canopy over the host was borne by four painted savages, fresh from the war-path, with bleeding scalps in their belts, the incident was related for the delectation of readers in France as proof of the victories of their church. No white could know the Indian better than Frontenac, he made companions of their chiefs, he lived in their wigwams, he wore their dress, he joined in their games, he followed them in their hunts and their wars. The Jesuits had carried on their missions for half a century when Frontenac visited them one after another and became fully acquainted with the Jesuit methods and with their converts. What was his verdict? In a confidential despatch to the court of France he writes: "The Jesuits will not civilize the Indians because they wish to keep them in perpetual wardship. They think more of beaver skins than of souls, and their missions are pure mockeries." That love of supremacy which caused the Jesuit to engage in the intrigues of the courts of Europe, led him to sit by the camp-fire in the councils of the savages, to raise his voice to recommend alliances, to engage in those negotiations with other tribes in which wile and deceit predominated, to declare war, to plan attacks. To profess zeal for souls while urging the redmen to boil the captive taken from a hostile tribe, in order to make reconciliation impossible, to baptize the vic-

tims to whose torture they had consented, to send an envoy to Boston to invite the Puritans to co-operate in exterminating the Iroquois, are specimens of the spirit and acts of the men who took upon them the name of Jesus. Their missions were a travesty on Christianity, and it is no extenuation to urge their sufferings and death. There have been propagators of Mohammedism just as earnest, as full of fiery zeal, as self-denying, as exultant under torture, as ready to face death in awful form. The labors of the Jesuits ended in nothingness. The tribes who fell under their influence and were guided by their advice were beaten in war and became extinct. The thousands of converts they professed to have made, left not a vestige behind, unless, indeed, the half-breeds of Lorette be considered such. One result the labors of the Jesuits had, it determined the occupation of Canada by France. Its value as a region for the supply of furs had come to be recognized, but the trade was so precarious, the losses of those who engaged in it so great, that France would never have decided to hold Canada on that score. The religious sentiment of France had been impressed by the narratives of the Jesuits, until the transformation of the Indians into Catholics came to be looked on as a sort of crusade, and members of a corrupt court endeavored to compound for their sins by lending their influence to measures for the retention of Canada; enthusiasts of both sexes offered their services, and donations and legacies flowed into the Jesuit treasury. While the tide of sentiment was at its height an event

happened that threatened to end it. An English privateer, Kirke, after sweeping every French sail from the St. Lawrence, made an easy capture of Quebec in 1629, and the red banner of St. George floated over St. Louis castle. The British held undisputed possession of the entire country during the ensuing three years. That possession would have become permanent, preventing the bloodshed, the burnings of heart, the difficulties felt to this hour, but for the interference of the Jesuits. Their mission in Canada gave them distinction and renown over all rival orders, an influence in the French court, and was a source of income they no more wanted to lose than the great grants of land they anticipated along the St. Lawrence, and so they besought Cardinal Richelieu to regain the country that had been lost. England was not disposed to give back the territory she had won by fair fighting, and rejected the overtures of France. The Jesuits were persistent in the pressure they brought to bear on Richelieu, and, finally, on his offering to pay the balance of his wife's dowry, King Charles First snapped at the money, for he was ever needy. The Jesuits triumphed; Britain ceded Canada back to France. The saying, that the Scots sold their king for a groat is proof of their shrewdness; a king who could sell an undeveloped empire for payment of an overdue debt was not worth a groat.

The records of these early days naturally fall into three periods:

1st, from the voyage up the St. Lawrence of Cartier, in 1534, to the coming of Champlain, 1608. a period of 74



years, during which time Canada was nobody's land, its waters frequented by fishing-boats of all nations, which added to their gains by buying furs.

2nd, From Champlain's forming a settlement at Quebec, 1608, to his death in 1635, a period of 27 years, which witnessed his persistent but futile efforts to found a colony, and the appearance in Canada of the Jesuits under the guise of missionaries.

3rd, The resolve of Richelieu to make Canada a crown colony, the introduction of the seigniorial and parish systems and of forced emigration, ending in Wolfe's victory—embracing 120 years.

Cartier may be taken as representative of the first period, Champlain of the second, Frontenac of the third. The retrospect of the first period is that of an occasional sail stealing along the shores of the gulf, landing to salt the fish its crew had caught and to barter with the wandering tribes for beaver skins. Of the second, of a bold and resourceful man endeavoring to obtain a foothold in Canada for his nationality: of black-robed priests who called rites and observances Christianity. The third is the period whose shadow still projects over Canada, which began with the closing years of Champlain, the finest, and probably the noblest figure that flits across its pages. It was not his fault that his life-work ended in failure. The conditions under which he labored, a policy of monopoly and exclusion on the part of the French government and of interference with his plans by narrow-minded

priests, would have defeated the wisest of policies. No wonder he left Quebec an assemblage of huts huddled beneath the rocky cliff, inhabited by some 150 whites, who depended for food on the arrival of the spring fleet from France, who had not cut a single road, their only avenues of communication forest trails alone perceptible to the bush-ranger, without a plow and without a horse. 100 years had elapsed since Cartier had wintered in the St. Charles river, and yet there were not over 200 French inhabitants, and these the letters of visitors tell us lived in privation, squalor, and ignorance.

Apparently it was Kirke's capture of the country that caused the French government to bestir itself, for his deed showed if they did not take steps to occupy Canada in earnest they would lose it. Richelieu undertook the task in autocratic fashion. Ships were chartered and filled with emigrants levied as he would soldiers, and plans devised which a body of officials were appointed to carry out. Were men automatons and the wilds of Canada as easily controlled as the cantons of France, the cardinal's designs would have succeeded. The feudal system, which France was beginning to discard, he sought to graft on the free soil of the New World—the system of a nobility holding the land and renting to those who tilled it—a system that discouraged industry and independence alike, by making the toiler the slave of the aristocrat. With the introduction of seigniories came the parish system—that is, as the seignior exacted from the habitant, who cleared the land of forest

and brought it into cultivation, a fixed portion of his miserable earnings, the priest also insisted on a share, and a larger share than the seignior, of his scanty crops. That settlement should prosper under these twin-systems was impossible, and so, during the third period we find the people often starving, dependent for supplies on the mother-country, and looking to it for aid to do what the New Englanders, with far less natural advantages, but under a different system, were doing for themselves and prospering. This period is often written about as one of Arcadian joys—when the seignior united with the priest in ruling the habitants with paternal benevolence, when the notary was their only man of business, when the bishop was looked up to with a simple reverence that made him almost divine, and the governor was bowed before as the embodiment of the kingly power and magnificence of Versailles. Those who speak thus conjure a picture that never existed: which a casual reading of the despatches and correspondence of these days dissolves. With a salary of \$1800 a year it was difficult for the governors to live, much less to keep up the appearance of a court, and nearly all had to dabble in the fur and brandy trade. Their attempts to keep up vice-regal style on their petty resources, their squabbles with those around them as to the degree of attention that was their due, their fight over the spot where the governor's chair should be placed when he attended mass, whether he should be incensed by the deacon or an altar-boy, who had the right to try cases of witchcraft, such incidents as

these Cervantes would have chuckled over, and only his pen could have done justice to the seigniors strutting round their log-cabins with sword and cocked hat, while wife and daughters were chopping wood to cook his lordship's dinner or delving their clearance that there might be a supply of garlic and cabbage against the coming winter, or, at other times, in faded finery, idling in the narrow lanes of Quebec or Montreal, affecting the airs and dissipations of the distant court and engaging in intrigues for petty offices. Scrupulous in maintaining their dignity by not putting their hand to honest work, they were not above living upon the sorely-won earnings of their censitaires, whom they looked down upon as of other blood, and, so far as the changed conditions allowed, exercised over them the feudal tyrannies that existed in France. The hated corvée compelled the tenant to leave his own clearing to cultivate the fields around the seigniorial log-hut and into his lean meal-bag his lordship was not ashamed to thrust his fist.

New France had been a crown colony for thirty years without making much advance. In 1666 Quebec was a village of less than 700 inhabitants, Montreal numbered a hundred less, and the total population was set down at 3418. The stagnation that had prevailed so long was now to end, and it was broken by the coming of Frontenac, a man of restless energy and indomitable perseverance, who had an assistant equally pushing in Talon, who perceived if the colony was to live, farming and its kindred industries must replace trapping for furs and trade with the In-

dians. He reported that during the four score years the French had occupied the country from its settlement by Champlain only eleven thousand acres had been brought under cultivation, and that nearly everything needed was brought from abroad. He encouraged the clearing of land and raising of cattle, the building of grist and sawmills, of tanneries and shipyards, of foundries and asheries, and gave a new impetus to the fishing-industry by securing for it the French market. The fur-trade had been a blight to the struggling population. It bred idleness, improvidence, and the gambling-spirit, for it was either, with hunter or trader, a feast or a famine. Many of the young men, fascinated by the freedom of the forest, threw off the duties of civilization and joined the Indians. Against these *coureurs du bois*, these bush-rangers, Bishop Laval levelled the penalties of his church. Regarding the attitude of these early settlers to the clergy, their rising in revolt on the imposition of tithes shows they were not to be compared in blind obedience to their descendants of our day.

While Talon was teaching the gospel of work to the sleepy, do-nothing colony, dependent on the hide of an animal whose industry reproached them, Frontenac was maturing his plans and laying down the lines of a policy which would have made France supreme on this continent. He marked the marvellous advances of the English colonies to the south, how New England ships traded afar, how the Albany merchants had established posts on lake Ontario and were handling more furs than the dealers of Montreal. The English colon-

ies had forged far ahead, but he would check them and give New France the pre-eminence. Her geographical position gave her the means, and he would use them. The St. Lawrence was the sceptre of the continent; whoever held it and knew how to wield it could sway its destiny. The first step was to prevent the English getting a foothold on the great lakes: that was essential to establishing the sovereignty of France, and he set about driving them back, building a fort at Kingston and established a series of posts that would prevent them moving westward. The discovery of the Mississippi in his day aided him and along it and its tributaries he built a line of log forts, forming a frontier beyond which no English trader or settler dare venture. Frontenac thought imperially, many have done likewise; what distinguished him from the herd of political dreamers was that he had the vitality and executive ability to carry his designs into effect. He had the physical strength to personally direct and the administrative faculty that secures success. His journeyings on foot and by canoe were marvellous; he examined every situation before selecting a site for fort or post, and was never daunted by unexpected obstacles. He was wofully cramped in means, yet with the little he could command he worked wonders. Left alone, he certainly would have obtained for France such a grip on the continent that it could not have been uprooted. He won undisputed control of the great lakes by establishing trading-posts on Ontario, Erie, and Michigan. Westward of Detroit he planned

forts, and southward he designed settlements should extend to the mouth of the Mississippi, hemming the English between the Ohio and the Atlantic. What prevented the realization of these magnificent plans? What was the obstacle that stopped New France in this her new birth, her onward sweep to sovereignty?

There can be only one answer: so obvious that even Garneau could not conceal it. Through the intrigues of the priests, Frontenac was recalled to France: his departure, says Garneau, was a triumph for the Laval party. The bishop and the Jesuits chuckled as the great man stepped on board ship: with his fall fell forever the prospect of New France becoming supreme. Why did the priests plot the downfall of Frontenac? Because his masterful nature would not bend to their yoke, because he would have them confined to their spiritual duties and rejected their interference with the course he shaped. Stung by his attitude and words these men, to whom their church was above everything, trampled on all patriotic considerations and conspired to thwart whatever he attempted. They cast suspicion on his every act, turned his subordinates against him, misrepresented, by letters and delegates, his administration to the government of France, and prevented its giving him the aid he needed. Frontenac was for the nation, the priests were for their church, and, in their eyes, the supremacy of the church in the colony was of more moment than the supremacy of the French people over a territory vaster than even LaSalle conjectured. To the patriotic Frenchman, there can be no sadder reading

than the official records that show how Laval and the Jesuits galled the fiery spirit of Frontenac, irritated him with petty persecutions, and defeated his comprehensive designs. When, 7 years later, he was besought to return to Canada to save her from her enemies who threatened the extinction of its people, he was verging on seventy, unable to resume the plans of his mature manhood, even had he found them as he left them. He did what he could. He saved its inhabitants from the tomahawk of the Iroquois: it was no fault of his that the sovereignty of North America was not also saved to New France.

The attempt to make French power predominate roused the antagonism of the English. There was room and verge enough for both, yet forbearance and regard for each other's rights were unknown on either side. The Jesuits deliberately incited the Indians to raid the frontier settlements of New England and New York, frequently accompanying them and encouraging them with assurances their object was pious, that English and Dutch Protestants were human only in appearance. At the distance of two centuries, the horrors of these raids still make the flesh creep. The English, in self-defence, retaliated, and in their spirit and methods they were no better than their enemies. Both peoples professed, each in their own way, to be peculiarly religious, yet in carrying into practice the essence of Christ's teaching, love to God and man, the Puritan was no better than the Jesuit. This third and last period of the early history of Canada is written in blood: men

who knew better, instead of clearing the forest and cultivating the soil, living in brotherly love, devoted themselves to slaying their neighbors, getting the savages to help them in their dreadful purpose. To talk of heroism in connection with the leaders in these contests is to pervert the meaning of the term. The red fiends who at midnight rushed the slumbering hamlet, butchering mother and babe, torturing the grey-haired sire and his stalwart sons before dealing the fatal blow; or who, stealing behind the settler, while plowing his little clearing, buried a tomahawk in his brains; or, worse still, waiting in the bush, shot the Puritan maid while tripping her way to church, are regarded with abhorrence. Does the blare of trumpet and roll of drum, the shimmer of gold and scarlet, the waving of plume and banner, the high-sounding names of nobility, the benison of priest or bishop, the panegyric of the orator or the eulogium of the historian place all the French soldiers from Iberville to Montcalm, or their opponents from Schuyler to Wolfe, on a different plane? The savage took life in his ignorance, the white against his knowledge of what was right. Of the two, the Indian is the more excusable. Both defiantly violated the eternal decree, Thou shalt not kill, and are under the same condemnation.

The kings of France looked on the ordinary settler in two lights, as a customer for the manufacturers of France and as a unit of the garrison that was to hold Canada for France. To ensure his being a customer for what France had to sell, governors were instructed to destroy

flax and sheep to prevent the habitant's household making its own clothing: to keep him a soldier, horses were to be shot and sleighs broken that he might not cease to be enured to making his journeys on foot or on snowshoes. That the supply of soldiers might not fail, governors were adjured, in solemn state despatches, to insist on marriages at fifteen years of age and governors complacently reported on a good crop of babies. While the kings of France treated the habitants of Canada as animals to fulfil their behest and as serfs to enrich the manufacturers, they were no worse than the priests. As a means of converting the Indians, the Jesuits kept urging young habitants to marry squaws, offering a dowry as an inducement. Select your brides from the wigwam, was the advice to young men of Bishop Laval. At first the French government rather approved of this, but, finally realizing what it meant, sent an order to the governors to oppose intermarriage with the savages: the administration at Paris had some regard for the purity of the French race. The clergy, on moral grounds, encouraged early marriages, and finally it became part of the law that a girl could marry when 14 and a lad when 18. Neither the endorsation of priest nor legislator could change the law of nature, and to this hour Quebec suffers the consequences in its hideous mortality of the children of immature parents and the unusual proportion of survivors defective in mind or body.

The picture of Canada under France strikes the onlooker especially in one regard—the com-

plete isolation of its people from the rest of the world. Its civil rulers forbade all intercourse, except with France: its spiritual rulers went further, for they forbade all intercourse even with Frenchmen if Protestants. Canada under France was a preserve of feudal ideas, customs, and tyranny and, at the same time, of priestly exclusiveness. He who would grasp the political problems that confront the

Dominion must realize what that means and trace the shadow of that regime in darkening our national life—the shadow projected over the Dominion by the descendants of people who, for five generations were inured to implicit obedience to absolutism in church and state, kept separate and by themselves from the rest of the world as a preserve for priest and ruler.

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## CHAPTER 2

That Canada should have fallen to the British by force every generation of its inhabitants since Wolfe's victory has had cause to regret, and it will be cause for regret to generations to come. Freedom of the will in the individual causes him to resent his career being shaped by the violent interference of an outsider, and the same sentiment is as strong in a collective sense. No people ever yet were overcome by foreigners who accepted the yoke of the conqueror with contented resignation. It would be a reflection on the Almighty, whose creatures we are, were it otherwise. The sense of wrong, the spirit of independence, the natural love for kith and kin, survive the lost battle, and, tho they may smoulder, will flame out long after the deed of conquest. In a material sense the French Canadian farmers profited by the change of rulers. They had been treated by the kings of France as slaves—refused self-government even in municipal

affairs—their services and property taken without compensation by the representatives of the king, who were as corrupt and worthless a lot of officials as ever cursed any country. Let him who wishes to know how New France was governed, not go to Parkman, who picks out from the musty records only the details that enable him to embellish his narrative, but to the despatches to the governors, and he will learn how, in the minutest details of daily life, its inhabitants were dictated to under a system of absolutism destructive alike of initiative and of self-respect. At the hands of the king's officials and at those of his seignior, the habitant knew naught save oppression and robbery. When Quebec fell he was in a pitiable condition. His horses had been seized to draw the war-supplies of Montcalm and Vaudreuil, his oxen confiscated to feed their soldiers, his sons drafted to fill the gaps in their ranks, and to raise a crop

to keep his other children alive, he had to harness his wife and daughters to the plow. Even had Wolfe failed, in another year famine would have compelled surrender. To the habitant the coming of the British meant emancipation from oppression and security in the enjoyment of what he earned; for the first time in his life he had a chance to be his own master and to keep the fruits of his labor. It is interesting to read of what the expectations of the peasants were at the time of the conquest. They looked for coercion and iron-handed oppression: they expected to be treated as they had treated the settlers of the New England frontier, but, instead, were met with kindness. It is a fact, important to bear in mind as it is undeniable, that the French in Canada never knew content and plenty until they came under British rule. No degree of material prosperity, however, can smother sentiment. The hand that gave them security and justice was the hand of a stranger, of a stranger who had taken possession of their country by force, whose creed they had been taught to abhor as an invention of the evil one, and whose language they did not understand.

The reflection is a provoking one, that the brutalities of war should have substituted a forced union for the friendly alliance of the two peoples that was coming and which was inevitable. The hour of Frontenac's recall sounded the doom of the hope of New France's sovereignty on the American continent, and with the passing of that hope her drift into an alliance with the English-speaking colonies was unavoidable.

The colonies were advancing by leaps and bounds into self-governing nations, increasing in population and in material resources: New France had ceased to grow and was tending downwards. Her people numbered less than 100,000; that of the English colonies 3 millions. The situation of the inhabitants of Canada had come to the point when they could no longer defy, these colonies, and self-preservation would have forced them reluctantly into a treaty of amity. How great the difference would have been between their voluntarily seeking the co-operation of the English and their being forced into submission, we can see in comparing the spirit of the Creoles of Louisiana towards the Anglo-Saxon with that of the French Canadian. Considering how Canada was made part of the British empire it should be no cause for surprise that thrice fifty years has failed to wither the national aspirations of the losers. At the same time, recalling how much British rule has done for them, that it rescued them from tyranny and an intolerable administration of affairs, that it has given them self-government and equal rights, that every avenue of honor, profit, and responsibility in the service of the empire has been thrown open to them; that all the privileges that pertain to the native-born Briton has been made theirs; it is surprising that assimilation has made so little progress and that the feeling of exclusiveness should prevail to the degree which exists. In tracing to its source why this is so, the cause of the peculiar difficulties of the Dominion is also found.

Under the rule of the French kings Canada, in the true sense of the word, never was a colony. In our day, when we speak of a colony we mean a body of people who have left their native shore to better their condition in a new country. That was never so with New France, which came into existence as a place for fur-traders and ended as a military dependency. In both states of existence it was actually a preserve of the church of Rome. The priests who came as missionaries to the Indians, determined this. In 1615, when Champlain sailed with four Recollet priests, the edict forbidding Protestants to live in Canada was promulgated. Hitherto French Protestants had been the main agents in carrying on its trade, henceforth they were excluded. In the charter granted the company of the hundred associates it is specified the company is not only to permit no Protestant to take up his abode in Canada, but to exclude persons of all other nationalities—they must keep New France exclusively for Catholic Frenchmen. Thirty-seven years later, when the West India company were given possession, the clause was repeated—they were to permit no Protestants to settle. The enforcement of these regulations fell to the Jesuits. Not a ship cast anchor off Cape Diamond they did not board on the hunt for Protestants. The Protestants of Rochelle in those days were the sailors of France, and it was rare none were among a crew. They were kept under watch until the ship left: no worship by them on deck, no singing of hymns, was allowed. If among the passengers they discovered one tinged with Protestant views

he was taken in hand on landing to be disciplined. The Relations tell of instances of how these unfortunates were "instructed," the means used to dispossess the devil who blinded them, their conversion, their penitence, their adding to the triumphs of their confessors. What was done with those who would not recant, the Relations pass in silence. Of their fate, however, we have a glimpse due to the ecclesiastical and civil authorities disagreeing as to what should be done with a Protestant who persevered in his convictions. Among the new arrivals was Daniel Vvil, whom the Jesuits discovered to be a Protestant. He was taken in hand by them, what was the means they used we are not told, with the result that he agreed to become a Catholic. With great pomp he was admitted by Bishop Laval into the Catholic church. Relieved of the pressure that had been brought to bear upon him and which had caused him to do violence to his conscience, Vvil refused to attend service. He was brought before an ecclesiastical court, when he declared his regret at abjuring the reformed faith and his determination to hold to it. The court found him guilty as a contumacious heretic and doomed him to death. He was handed over to the civil authorities to carry out the sentence. Governor Argenson refused, and it is his refusal that has caused the preservation of the facts of the case. Had he done as it is to be presumed his predecessors did, obeyed the order of the priests, we should never have heard of the fate of Daniel Vvil. Awaiting a change of governor, Vvil was kept a prisoner, in the midst of a commun-



ity where none dare express to him a word of sympathy or bestow an act of kindness. History abounds with instances of weak men facing death with fortitude when the sentence was carried out promptly, but here was a man who knew death was inevitable, yet subjected to the suspense of months, all the while knowing he could save his life by submission to the priests who tormented him with their importunities. Can his constancy be otherwise explained than that, in his prison, he had an unseen visitor who fulfilled the promise made to whoever confessed him before men? The fatal hour came in the fall of 1661. A new governor had arrived, D'Avaugour, who had no qualms in obeying the bishop. Vvil was brought forth from his prison, led to the public square of Quebec, and, in presence of a crowd of spectators, faced a platoon of soldiers. The captain uttered the word of command, there was a volley of flame and smoke, and Vvil lay stretched on the ground, pierced by many bullets.

When New France had attained its height in population, it was still the boast that among the no inconsiderable number there was not a single Protestant. "Praised be God," writes Governor Denonville in an official report, "there is not a heretic here." The children stolen in the raids on New England were handed over to the nuns, and their baptism and first communion made occasions of special celebration. The extreme to which the spirit of exclusiveness was carried is shown in the case of a visitor from New England, who, possessed with the idea that a passage to the Pacific could be found by way of the

Saguenay, had crossed to the St. Lawrence by following the Chaudiere. He was promptly arrested and sent away by the first ship. A vexed question, which divided the colony, was whether it was justifiable to sell brandy to the Indians. The opinion of the theologians of the university of Toulouse was sought. They decided it was, and gave as one of the reasons that thereby the Indians were protected from heresy, for, if they could not buy brandy in Canada, they would go to the English settlements in New York State. Frontenac complains that the confessional was used as an inquisition into the inner life of each family, and for every thoughtless word regarding church or clergy the offender was called to account. Frontenac was not alone in objecting to the use made of the confessional as a means of espionage on family life. LaSalle, the explorer, complained that, by its means, the priests "enter as it were by force into the secrets of families, and thus make themselves formidable." Frontenac declared their prying into the lives of the people to be worse than the Spanish inquisition. La Motte-Cadillae, on his arrival at Quebec, was astounded at the state of society, and wrote a friend "nobody can live here but simpletons and slaves of the ecclesiastical domination." The interference in family affairs extended to dictating dress and amusements. The punishments or penances, for breaking the rules or orders were always puerile, sometimes cruel. The girl who added a geegaw to her attire, the son who failed to return to the paternal roof by nine o'clock, the father who married

in the tavern by the brandy-bottle, all fell within the discipline of the clergy. Their interference extended to what is now called criminal law. On the ground that crimes concerned morals, they were active prosecutors. The rack was a recognized means of discovering evidence, the slitting of lips, mutilation of tongue, ears and hands ordinary punishments, and burning at the stake not unknown. Those who dream of the French regime as a period of delightful romance, know not of what they speak. Personal liberty in the settlements there was none, for the people were under unceasing supervision. Punishments were of constant occurrence for infraction of church duty. Failure to attend mass or working on a saint's day were crimes. Owing to his having appealed to the council against his sentence, there has been preserved in the official records the case of Louis Gaboury, convicted of having eaten meat during Lent. He was to be bound to the public whipping-post for three hours, then taken to the door of his parish church where, on his knees, he was to beg pardon from God, to pay a fine of 20 francs and the milk of a cow for a year.

The control of the individual and of the family involved that of the government of the country. Frontenac remarked, "Masters in spiritual matters is a powerful lever for moving everything else." The clergy dictated the course the governor and his subordinates were to follow, and, on refusal, there was trouble. When a governor was persistent in rejecting their advice, they used their influence at the court

of France to secure his recall. No inconsiderable part of the state papers relating to New France concern contentions between the clergy and the governors. Talon, sagacious, cool, politic, did his best to secure the support of the priests in his patriotic policy of trying to make New France self-sustaining, yet, when nearing his departure, he reports to Colbert, "I should have had less trouble and more praise if I had been willing to leave the power of the church where I found it. It is easy to incur the ill-will of the Jesuits if one does not accept all their opinions and abandon one's self to their direction even in temporal matters, for their encroachments extend to affairs of police, which concern only the civil magistrate." Five years later, after prolonged experience and wide knowledge of the country, Frontenac wrote the same minister, "Nearly all the disorders in New France arise from the ambition of the priests, who want to join to their spiritual authority an absolute power over things temporal, and who persecute all who do not submit entirely to them." First under the Jesuits, then Laval and his successor, de Vallier, New France was governed according to their ideas, for the resistance of the governors was intermittent and, in the end, ineffective. Of Laval it was Colbert who declared, "He assumes a domination far beyond that of other bishops thruout the Christian world, and particularly in the kingdom of France."

To preserve the inhabitants of New France from heresy, it was deemed necessary by the priests to keep them in a state of tute-

lage. Altho they could not read, no heretical book should be brought from across the sea. A French visitor, La Hontain, declares the priests "prohibit and burn all books but books of devotion." To prevent contact with Protestants, communication with the English speaking settlements was forbidden under penalty of death. Repulsive stories of Protestants and their belief were told the people to frighten them from going to their settlements. The intolerance of New France was a reflex of that of the mother-country. The first year William III. sat on the throne of England, a plan was agreed on at Versailles for the conquest of New York. The sealed instructions given to the commander of the expedition were, that on his overcoming the garrison and obtaining possession of the country, he was to confiscate the lands and all other property of the Protestants, whether Dutch or English, and send them out of the country. Untoward events prevented the sailing of the fleet.

It is the constant pretension of Rome that the country which submits implicitly to its direction thereby ensures happiness and prosperity. In no other part of the world was its rule ever more complete than in New France, which lay absolutely at the feet of the priests from Champlain to Vaudreuil—a period of 150 years—yet socially, commercially, intellectually, and politically, it was a failure. The reports of intendants are dotted with complaints of the pride and sloth of the people, necessitating public distribution of alms and providing a house of refuge. The coun-

try swarmed with beggars. Bishop St. Vallier complained he was overwhelmed by their visits. Charlevoix could not help contrasting the easy circumstances of the New England settlers with the poverty of the people of New France. Material prosperity is not everything, and it is possible for great moral virtue to exist where privation prevails. It was not so in New France. The state of morals in Quebec and smaller towns was a reflex of that of Versailles. To this the last bishop under French rule bears striking evidence. In a pastoral issued during the winter of 1760, Bishop Pont Briant deplores the little zeal for piety displayed everywhere; the injurious and wicked speeches maintained against those in whom we ought to place all our confidence; the profane diversions to which we are addicted, the insufferable excesses of the games of chance, the impious hypocrisy in derision or rather in contempt of religion; the various crimes that have multiplied in the course of this winter. Then he goes on to ask, "Were there ever such open robberies, so many heinous crimes of injustice, such shameful rapines heard of? Who has not seen in this colony families devoted publicly to sins of the most odious nature? Who ever beheld so many abominations?" Rome had been given every opportunity to mould New France and this was the result. The long tutelage of Canada under the priests explains many of the perplexing conditions that to-day hinder the Dominion in her onward march. The conquest ended the rule of France: it did not end the rule of Rome.

## CHAPTER 3

With the coming of the British the military element of New France disappeared, leaving behind the seigniors, the clergy, and the habitants. The total number speaking French who became subjects of George III. is commonly set down at 60,000. In January, 1759, a census was taken to ascertain how many were able to bear arms in the coming campaign. It showed there were 15,229 between 16 and 60 who could take the field, and the total population was reported as 85,000. Twenty months later, at the capitulation, Vaudreuil handed the British authorities an official statement that of enrolled militia there were 16,000. During those 20 months the male population suffered from the effects of war, so that to ascertain the total population a higher ratio than the usual one to five must be taken. Multiplying 16,000 by six would show the population to be nigh 100,000. There was no such exodus to France after the conquest as is generally represented. The official letters of the time show there was great difficulty in securing shipping even for the regulars and that the number of resident Canadians who asked to be sent to France was trifling. Instead of the native population being reduced by the change of rulers, it was increased, for Gen. Murray reports that from British authority ensuring security to those who cultivated the soil, there was a large influx of Acadians who had been living in New England. When the treaty of Paris was signed the population must have exceeded 100,000, and only

those who want to make out miracles where none exist will repeat the statement of 60,000. Of the inhabitants, with trifling exceptions, all resided on strips of land along the banks of the St. Lawrence and the Richelieu. For the first time the farmer of New France knew what security means, being safe alike from the attack of the Indian and of the domiciliary visit of an official who, in the name of the French king, forcibly requisitioned whatever the army needed, not excluding his sons. More than that for the first time they began to feel the ennobling sense that they were their own masters. As one English officer put it in his report, "they begin to feel they are no longer slaves." Haldimand, who spoke French and freely mixed with the people, declares they were well pleased with the change, which put new life into them and stimulated them to make undreamt of improvements in their condition. The new rulers were a surprise to the habitants. From infancy the English had been pictured to them as monsters who professed a religion born of the devil, and who would, if they captured New France, destroy everything that was French or Catholic. Finding them to be different was grateful to a people who were at their mercy. Knowing he would possess what he grew, the habitant applied himself as he had never done before to extending and cultivating his clearing, and from a state of living on the verge of famine he before long had a surplus to sell, and Canada became an exporter of grain. In one re-

spect the habitant was disappointed. He had expected under the new rulers to be freed from the demands of the seignior. Why the claims of the seignior on the land were not confiscated, is probably to be explained by the relation of tenant and landlord being the only conceivable method of holding land of which General Murray and his military successors had any conception. That the man who has redeemed the land from forest for cultivation should own it, never seems to have flashed on their minds. In the Old World the noble leased the acres and the tenant paid him rent, and that the governing class had come to look upon as part of the divine order. For the next 50 or 60 years we find the ruling class boggling over the difficulty of settling the question of ownership of the soil, one governor after another making experiments, all of which had as a feature in some form or another a lord of the manor and tenants. The seignior system was a survival of a form of feudalism no longer known in England, and which the new rulers at first did not comprehend. The seigniories had been granted by the French king on condition that certain services be rendered him: they were not sold or bestowed, merely the usufruct was granted by the king in compensation of specified services. The moment these services ceased to be rendered the grants reverted to the crown. In like manner, the seignior allotted portions of the land thus ceded to him to men who bound themselves to do him homage, to render certain services, to pay a prescribed rent, and a fine should they sell. The rent was small, yet large to men

in their circumstances: the fine was generally prohibitive as to sale. As King George did not want the services for which King Louis had ceded the land, the seigniors could not pretend they were rendering the obligations which enabled them to hold it. The seigniors were in the position of men who hold property under a servitude: when the servitude lapses, the property reverts to the owner. As suzerain by conquest, the seigniories fell to King George. Instead of taking possession, and declaring the censitaires owners, the British authorities dilly-dallied with the system, and it was left to hinder the advancement of the country, to be a standing grievance with the habitant, and to be a troublesome question with successive administrations for nigh a century. The seigniors, who arrogated to themselves the name noblesse, deprived of the petty civil positions and their pay as officers of the militia during French rule, did nothing to improve the country and formed a discontented class, from which the two Papi-neaus and like agitators were drawn.

While the seigniors retained their rents, the clergy lost their tithes. For fifteen years whatever support they drew outside their own resources, came either as voluntary gifts from their flocks or, as Solicitor-general Wedderburn stated, under threat of excommunication. Nothing helped to reconcile the habitants to the new rule as the abolition of tithes, for tithes had always been unpopular. The church, however, made up for the loss in the increased value of real estate, for they were the largest landowners in New France. They

now drew rents as they had never done before. The Jesuits owned ten seigniories, comprising nearly a million acres, all advantageously located, and the Sulpicians the island of Montreal worth half-a-dozen.

For a quarter of a century after the battle of the Plains of Abraham the expectation was strong that France would speedily recapture Canada: that it was only a matter of a few years when the union jack would be displaced. Possessed by this conviction the clergy exerted themselves to isolate their flocks from the new-comers, going so far as to prejudice them against learning their speech, by declaring English to be a Protestant language. Some of the expedients of that time to keep the French habitants a separate people are still used.

The attitude of the clergy during the American revolution has been constantly quoted as proof of their loyalty to the British crown. It meant simply this, that between two English-speaking communities, their choice was against the Americans. They discriminated in a way we do not now realize between the British across the Atlantic and the Bostonnais. Under the latter name they classed all the settlers of the colonies south of Canada, and hated them with a perfect hatred, the Dutchman equally with the Puritan. For generations they had encouraged war being waged upon them, and had held them up to their people as frightful examples of heresy. Were they now going to exchange the rule of the Imperial government, little as it was to their mind, for that of the new republic erected by their life-long enemies? They

did not hesitate in choosing the English from beyond the sea as the least of two evils. At the outset, with one exception, they agreed to refuse the sacraments to those of their flocks who favored the Americans. Later on, however, when France took a hand in the struggle, sending ships and soldiers to help the Americans, there was a change of tone. When word came of the surrender at Yorktown and of the prospect of the victorious French fleet shaping its course next for the St. Lawrence, there was alarm among the officials of Quebec. Governor Haldimand apprehended the worst, especially when he heard of the circulation of a report that the Pope had absolved them from the oath of allegiance they had taken to King George. "If," Haldimand writes to England, "the Americans invade the province with a few hundred French soldiers, the Canadians will take up arms in their favor, will serve as guides, and furnish provisions." Had the French fleet steered from Yorktown for Quebec the figment that it was the priests who kept Canada to Britain during the American revolution would have been exploded.

Why the advisers of George III. did not continue Canada as a crown colony has not been satisfactorily explained. Probably some one, who has access to the state papers of the period, may think it worth his while to unveil the causes that led to giving Canada a constitutional government long before it had a population fitted for self-government. The explanation, repeated parrot-like in so many histories, that it was done to secure the goodwill of the French Canadians, in the im-

pending struggle with the American colonies, is absurd on the face of it. When the Quebec act was submitted, the Imperial government was blind to the coming danger across the Atlantic and was resting in full security. In the long debates in the house of commons, there is not a single sentence, either from the ministerial or opposition benches, to indicate that the bill was of a precautionary nature—a prudent step to take on the eve of a struggle. That is neither the tone nor the language of the debaters. There was neither foresight nor wisdom in the passing of the Quebec act, for it failed to make friends of the French Canadians, it disgusted the handful of English who had settled in Quebec, and formed a new cause of complaint to those of the Americans who were discontented with British rule.

It is well to here summarize the attitude and course of the American revolutionists towards Canada. It was in response to their prolonged importunity that the Mother Country, sorely against her will, engaged in the conquest of Canada. When, after shedding the blood of thousands of the flower of the army, and an expenditure of money that nigh bankrupted her, that conquest was effected, the Americans refused to pay any part of the cost of the war that had ensured their autonomy, and made the attempt to collect a small tax towards paying it the signal for revolt at Boston. At the time they were clamoring themselves for a fuller measure of self-government, they united in a formal protest against the Quebec act in language so outrageous that their descendants are ashamed of

it. Yet two years after issuing that address of protest against giving any concessions to the French Canadians or restoring the privileges of the priests, congress sent a delegation to Quebec to incite a revolt, with a promise that they would do more for the priesthood than what they had censured in the Quebec act, and, to crown all, the very men who were unable to suppress their "astonishment that a British parliament should ever consent to establish in Canada a religion that has deluged its island with blood, and dispersed impiety, bigotry, persecution, murder, and rebellion through every part of the world," in the delegation to stir the French-Canadians into rebellion against Britain, they included Father John Carroll, a Jesuit, whose special office was to win over the priests. On the surface this appears inconsistent, but it was all consistent with the ruling motive of the revolutionary leaders—selfish blindness to the rights of others in furthering their own interests.

United States historians lightly pass over the attempt to get possession of Canada, treating it as a mere incidental episode in the war, which it was not, for it was a serious movement, planned by Washington and earnestly backed by congress. It was not alone the danger of an invasion from the north they sought to prevent, but to make sure that they would not have again on their frontier a hostile people. The passing of the Quebec act seemed to the leaders of the revolution to restore the situation that had existed from the days of Champlain. They declared they foresaw the restora-

tion of the French power under the protectorate of the British crown, and a revival of the contest for the possession of the continent, with savage raids on their settlements, such as Frontenac and Montcalm planned. The winning of Canada looked to them as essential to the existence of the new republic. Washington declared the annexation of Canada to be of the utmost importance, and that this view was that of those with him who were directing affairs, was shown by their detaching, at a critical period, so important a personage as Benjamin Franklin to try and conciliate the French, for the Americans approached the task of winning Canada in two ways—by force of arms and by diplomacy. Secret agents were set to work in the parishes and spies on the British officers were hired at every point of importance.

It is remarkable that altho the history of Canada goes back only some 3 centuries, and is therefore comparatively modern, and that of every decade, whether under French or English rule, we have voluminous official records, it should abound in myths. Perhaps the myth which is the most direct perversion of fact is that which represents the saving of Canada to the British crown during the American revolution as due to the devotion of the priests and loyalty of the habitants. Hundreds of orators, amid thunders of applause, have drawn the picture of Canada cruelly abandoned by France and dominated by a British garrison, yet, when threatened by American invaders, rallying under the advice of their beloved pastors for the defence of their new

masters and going forth as of yore, led by their seigniors to whom they still rendered loyal allegiance. What are the facts as presented in the despatches of Governor-general Carleton, his successor, Haldimand, and of other officials? They reveal a peasantry who loved neither the republican nor the loyalist who spoke English, and who, on being asked by priest and seignior to join the militia, were seized with dread that the old absolutism of the church and the hated rule of the seignior under the French regime were to be restored. The call to arms they would not listen to, and where a seignior attempted to coerce them into the ranks they resisted, and gave them to understand they were no longer vassals. The feudal duties of corvee and military service had vanished before the roll of Wolfe's drums. Never was situation more perilous to British interests than during 1775 and the first half of 1776. The breaking out of hostilities found Carleton with only 800 soldiers. Ticonderoga and Crown Point, held by corporals' guards, were easily captured by the Americans, who thus got possession of lake Champlain and rendered possible an invasion of Canada. Instructions from England were that no troops could be spared. Laboring under the delusion that the habitants would take the loyalist side, Carleton was advised to call out the militia, and to arm them 6000 muskets were sent, to be followed later on by equipment for an army of 20,000. The muskets were useless. Every attempt to raise the militia was futile. Seeing the habitants refused to fight, the Indians cared not to go on the



war-path unsupported. In September St. Johns was taken and an invading army appeared. The main body struck for Montreal; the smaller force descended the Richelieu to Sorel. The habitants, seized by a frenzy of excitement, welcomed the invaders, sold them provisions, supplied them with guides, ferried them across the St. Lawrence from Longueuil to the island of Montreal. A thousand enlisted in the American ranks at Sorel. Carleton complained bitterly. The disobedience of the people increased, they everywhere helped the Americans while the King's representatives were betrayed. Montreal was still surrounded by the walls of the French period and altho he had only 60 soldiers, 80 sailors, and a handful of English militia, Carleton resolved to hold it, for he had cannon, while the enemy so far had only rifles. He soon realized the position was untenable from what he termed the treachery of the habitants, who cut off his supply parties and captured his messengers. The language in which he speaks of the habitants is that of a man who had been deceived. He had been instrumental in carrying the Quebec act in the belief its concessions would reconcile them to British rule, and was now mortified to find this very act used by the Americans as a reason why they should join them. In his despatches to England Carleton refers to the baseness of the habitants, their ingratitude for all the favors shown them; as a wretched people blind to honor. He had his eyes opened on another point. He saw the habitants really hated the seigniors, and regretted he had not asked

them to enlist in regular regiments instead of using the old militia machinery of France. Receiving word that a second American army had advanced on Quebec, he realized that prompt action was needed. With traitors within and without the walls, to defend Montreal was going to be difficult, but of what use would it be to hold it should Quebec be lost? Quebec was the key of Canada and must be saved. On the night of the 11th November he embarked his little garrison on boats, abandoning Montreal, whose inhabitants welcomed the Americans the following day. Running the gauntlet of batteries at Berthier and Sorel, Carleton reached Quebec in a rowboat on the 19th, and none too soon. As at Montreal, the Americans had been given every assistance by the habitants and had been ferried across the St. Lawrence by them. They were now in camp, within striking distance of Quebec, awaiting the reinforcements they knew were on the way. Carleton used the breathing-spell to complete his defences. On the 4th December, the American army being now in full strength, he was summoned to surrender. Carleton's reply was he would not parley with rebels, and the siege began. The Americans had the advantage in numbers, led by able officers, and in having the people of the country with them. Carleton's sole advantage lay in the fortifications, which he had barely enough men to cover. Assaults by day and night were made and stoutly repulsed; worse than these open attacks were the machinations of traitors within the walls to betray the garrison. The weary winter crept on, and dur-

ing those five months the only spot in Canada where the union jack floated was from Cape Diamond. Both sides of the river were in the undisputed possession of the Americans, with their headquarters in Montreal, where they raised a regiment of French Canadians. Arnold enlisted another regiment at Quebec, and reported he would have taken more had he been able to equip them. The enthusiasm of the habitants for their visitors, however, began to wane as time went on. The continental army was leavened with ruffians, who repeated on whoever was suspected to favor the British the outrages they had practised on the loyalists of New England, while between the U. S. commissary officer who cleaned out his barnyard and handed in payment paper scrip and the British officials who had always paid in gold, the habitant began to draw comparisons. When the St. Lawrence at last cast its coat of ice the little garrison was faced with a prospect of famine, and Carleton foresaw that unless ships speedily arrived from England Canada was lost to the British. The Americans redoubled their efforts. Their batteries were planted nearer, occasionally throwing hot shot in order to set fire to the barracks of the little garrison, who responded shot for shot. Perched on the point of the cliff, where the St. Lawrence unexpectedly expands from a river into an ever widening sea, sentinelled by forest-clad mountains, the defenders, from earliest dawn turned eager eyes down the vistas of the two channels formed by the isle of Orleans for the long-delayed relief, and day after

day sought repose when night closed with the sickness of deferred hope. On the morning of the 6th May a shout went up that three sail were in sight and when, on drawing nearer, the red flag of their country was discerned flying from the foremast of the leading ship, strong men broke down at the reaction of the suspense of five months, and with tears and shouts of joy grasped each other's hands. No sooner had the ships cast anchor than boats were lowered and the landing of troops began. The hour of remaining on the defensive had passed. Ordering the long-closed gates to be thrown open, at the head of his garrison and of the newly arrived soldiers, Carleton at noon marched out to give battle to the Americans. It was too late. They had spied the ships too, and at once began their retreat, abandoning cannons and stores. All Carleton could do was to convert their retreat into a rout.

For eight months the Americans were on Canadian soil; six of these months they were in undisputed possession of every part except the few acres enclosed within the walls of the fortifications of Quebec. Why, then, did Canada not continue to be part of the American republic? Because it had a governor with the head to plan and the hand to carry out his plans. Had Carleton surrendered when surrounded at Montreal, the stars and stripes would be floating to-day over Canada. It is to his daring flight to Quebec, to his placing its fortifications in a posture of defence, to his dogged courage in defending them under every form of discouragement for five cold, dreary months, that the

maintenance of British possession is due. It may be said, it was the arrival of the British fleet in the spring that saved Canada. It is true, had not reinforcements come when they did, the Americans would have triumphed, but it is equally true that had Carleton not kept a foothold on Cape Diamond, the one spot in a vast territory that had not surrendered to the enemy, the coming of British reinforcements in the spring of

1776 would have been of no avail. With the fortifications of Quebec in his possession, Gen. Thomas could have prevented the British fleet passing the cape and the landing of the troops it carried. It was Carleton who saved Canada in 1776, and whoever says otherwise denies the honor that is his due. Priest, seignior, and habitant had knuckled to the American republicans; it was Carleton and his little garrison who defeated their plans.

## CHAPTER 5

In the province of Quebec the church of Rome enjoys immunities and privileges unknown in any other part of the world—even in those countries which have Catholic sovereigns. Here, on British soil and under a Protestant king, that church is not only, as it is right it should be, autonomous, unrestricted by the state in its spiritual sphere, but exercises many of the powers that belong to the state. It levies, when it sees fit, taxes for the building and upholding of its churches and the houses of its clergy, and a yearly tax for the support of the priest of each parish, and payment of these taxes is enforced by the machinery of the secular courts. The vows of nuns and other religious are recognized by the civil law and their enforcement given the support desired by the church. The real estate of the church is exempted from taxation and

much of that real estate is made inalienable by mortmain. Education is placed in the hands of the bishops, who have a pledge that the legislature shall make no change in its regulations without their consent, nor interfere with their distribution of the grant of public money. While the provincial government is thus the servant of the church, the hierarchy resents all appearance of supremacy of the state, and for this reason disregards the Dominion proclamations for fasts or thanksgiving. In a word, the church sits as a queen in Quebec, panoplied in its assumptions by law, receiving from the state whatever she asks, dominating the province as the first interest to be considered and served.

When it is pointed out that this supremacy is inconsistent with the rights of British subjects who do not own her sway, that the concessions made to her

are destructive of their privileges, the answer comes that the church of Rome has prescriptive rights in the province of Quebec which cannot by either legislature or parliament be modified, much less taken away. The contention is, that when Canada was ceded, Great Britain bound herself by the treaty of Paris to continue to the priesthood the same privileges and powers they possessed during the period of the French occupation. Do facts support this assertion?

The first time the British came in contact with the demands of the church of Rome for exclusive treatment was at the capitulation of Quebec after Wolfe's victory. The officer in command among the terms he asked in consenting to surrender, included a request that there be no interference with religion. In his reply, dated Sept. 18, General Townshend stated—

"The free exercise of the Roman Catholic religion is granted, likewise safeguards to all religious persons, as well as to the bishop, who shall be at liberty to come and exercise, freely and with decency, the functions of his office, whenever he shall think proper; until the possession of Canada shall have been decided between their Britannic and most Christian majesties."

Fearful of outrage on church and convent the French officer asked for assurance of protection, which was granted. As to the bishop exercising his functions in the town he could do so, until the kings of England and France decided what the future of Canada should be. On the

standing of the church the article has no bearing, it simply concedes what any humane officer would grant. The following summer General Amherst invaded Canada from the west and after driving the enemy's forces before him invested Montreal. Vaudreuil recognized the hopelessness of the struggle, that it must end in surrender, and so, while Amherst was waiting for his cannon to come from Lachine to batter down the walls, he received a flag of truce asking for terms. Amherst was willing and gave his beaten opponent the privilege of suggesting the terms he desired. Vaudreuil was solicitous as to the fate of his soldiers and of the citizens alone, but the priests insisted on also preferring their demands, which they did in these words—

"The free exercise of the catholic, apostolic, and Roman religion shall subsist entire in such manner that all the states and the peoples of the towns and countries, places and distant posts, shall continue to assemble in the churches and to frequent the sacraments as heretofore, without being molested in any manner, directly or indirectly. These people shall be obliged, by the English government to pay the priests the tithes and all the taxes they were used to pay under the government of his most gracious majesty (the King of France)."

Opposite this demand General Amherst wrote—

"Granted as to the free exercise of their religion; the obligation of paying

the tithes to the priests will depend on the King's pleasure."

Years afterwards, when clerical pretensions revived, a meaning favorable to the levying of tithes was endeavored to be given to the words "Depend on the King's pleasure." How did priests and people understand them in the early years of British occupation? Their practice was the best interpretation of what the words meant. Twenty-four years after Amherst wrote the words, Attorney-general Maseres, who had resided in Quebec, was called as a witness before the house of commons. Standing at the bar, the question was put, "Since the conquest have habitants had the option of refusing to pay tithes?" He answered—

"They certainly have, and sometimes make use of it. The priests never presume to sue for tithes, either in the court of King's bench or common pleas, knowing there is no possibility of succeeding. The ground of that opinion of theirs and of mine is, the strong words of Gen. Amherst's answer to the demands on the part of the French general, for the continuation of the obligation of the people to pay their tithes and other dues namely, 'Granted as to the exercise of their religion, but as to the obligation of paying tithes, that will depend upon the king's pleasure.' That has been universally understood, till now (1774) to have been a positive dispensing with the obligation. It has often happen-

ed that the habitants have not paid tithe; much oftener that they did, from their regard to their religion."

To judge fully of the intention of Amherst with regard to the demands of the priests, it is proper to consider all the articles inserted at their instance and they will be found in appendix A, along with his answers. On reading them there is no mistaking the attitude of General Amherst. As a tolerant man he wished the people to have liberty of conscience, as a just man he wished to dispossess no one of his property. Beyond this he would not go. He would recognize none of the privileges the priests had enjoyed under the King of France, would not even allow the nomination of the bishop to Louis or grant power to erect new parishes.

Three years later there was a meeting of representatives of Austria and Prussia, of Britain and France to draft a treaty of peace. When the article regarding religion was reached in the treaty that concerned Canada, the French ministers asked that it read—

"His Britannic Majesty, on his side, agrees to grant the liberty of the Catholic religion to the inhabitants of Canada; he will consequently give the most effectual orders that his new Catholic subjects may profess the worship of their religion according to the rites of the Roman church as they have done."

The British representatives would not consent. They would grant all Amherst had agreed to at the capitulation and nothing more. They demanded that the words "as they have done" be

struck out. The French ministers pled in vain for their retention. They were scored out. Fearful even then that the article might be construed into Britain's agreeing to continue the church of Rome on the status it had under France, they insisted on adding the words, "so far as the laws of Great Britain permit." After some demur, the French finding it impossible to get the Englishmen to recede on the point, agreed, and the article as confirmed read—

"His Britannic Majesty agrees to grant the liberty of the Catholic religion to the inhabitants of Canada: he will, consequently, give the most effectual orders that his new Roman Catholic subjects may profess the worship of their religion, according to the rites of the Roman church, as far as the laws of Great Britain permit."

The meaning of the article is obvious, whatever privileges Catholics were to enjoy, were to be measured by British law and not by French. The English commissioners were resolute in having it fully understood that the subjects whom France was abandoning were to come under the rule of Britain divested entirely of everything that pertained to their old status, and to that end insisted on the adoption of this additional article—

The King of France "cedes and guarantees to his Britannic Majesty, in full right, Canada and its dependencies... and makes over the whole... in the most ample manner and form, without restriction and without any liberty to depart from the said cession and guarantee."

The conveyance of Canada was thus made without a single

reservation or condition in favor of the inhabitants, the French king abandoning his late subjects to the conqueror with brutal indifference. In the entire treaty there is not a single word about the French language or French laws. For the prevailing impression, that the treaty of Paris placed the French Canadians on a different plane from other British subjects, by preserving to them certain distinctive privileges, there is no foundation. That such a notion exists is due solely to the assertions of those whose interest it is to have it believed, but the fact is, that whatever is found exceptional in Quebec rests not upon treaty-rights, and whoever says to the contrary, asserts what he cannot prove.

The treaty was signed in Feby., 1763, and the following October King George issued a proclamation defining the limits of the new dependency, prescribing how it was to be governed, and the conditions on which settlers could rely. So soon as military rule could with safety be superseded, Canada was to be erected into a province, similar to the 13 colonies to the south of it, and have an assembly representative of the people, who would make laws and otherwise provide for its government. Until such time, the royal proclamation went on to declare—

"All persons inhabiting in, or resorting to, our said colony, may confide in our royal protection for the enjoyment of the benefit of the laws of our realm of England."

The proclamation instructs the governor to constitute courts for trying cases, both civil and criminal, as near as may be agreeable

to the laws of England. There is not a word in the proclamation modifying this assurance of English law to whoever should settle in Canada, and not a word of any exception in favor of the French Canadians. This proclamation of the king is unqualified and absolute in placing Canada under the same conditions as Massachusetts or New York. The proclamation declared Canada to be English, and nothing but English. There is not even reservation of the French tenure of land. In the direction as to selling lands to settlers and of grants to soldiers and sailors who had served in the late war, it is specified the land shall be conveyed on the same terms as exist in the other colonies. This proclamation, issued a few months after the treaty of Paris was signed, recognizes in no way that the French Canadians were to have any privileges other than those that pertained to them as British subjects. In this there was no disappointment to the French Canadians. Judge Hey, the first chief justice of Quebec under English rule, in his evidence before the house of commons, testified that at the conquest the French Canadians "neither expected to retain their religion nor their laws, and looked upon themselves as a ruined and abandoned people. The general expectation among the habitants was that King George would be as absolute as their late royal master, and order them to be Protestants." The lenity with which they were treated, Quebec's first attorney-general, Maseres, confirmed in his remarkable statement, "I am of opinion," he said, "with General Amherst, that if the priests had

"been given their living (that is pensioned) and their places had been supplied by Protestants, the Canadians would have been satisfied." Such was the slavish reverence engrained on the habitants for their king, that there is no cause to doubt the conclusions of these witnesses, one of whom spoke French equally with English.

General Murray, on becoming Canada's first civil governor, received instructions from the secretary of state, Earl Egremont, to guide him. He was told to guard against attempts by the French government through the priests to keep the habitants in expectation of resumption of the rule of Louis. Here are the Earl's words—

"His Majesty has reason to suspect that the French may be disposed to avail themselves of the liberty of the Catholic religion granted to the inhabitants, to keep up their connection with France, and to induce them to join for the recovery of the country. The priests must, therefore, be narrowly watched, and any who meddle in civil matters be removed. Whilst there is no thought of restraining the new subjects in the exercise of their religion according to the rites of the Romish church, the condition is as far as the laws of Great Britain permit, which can only admit of toleration, the matter being clearly understood in the negotiation for the definitive treaty of peace, the French ministers proposing to insert the words 'comme ci devant (as they have done), and did not give up the point until they were plainly told it would be deceiving them to insert these words. You are,

"however, to avoid everything that can give the least unnecessary alarm or disgust to the new subjects. The greatest care must be used against the priest Le Loutre, should he return to Canada, where he is not to be allowed to remain, and every priest coming to Canada must appear before the governor for examination and to take the oath of allegiance."

This is the evidence of a nobleman who was present while the treaty was being negotiated, and is additional evidence as to what was the object in adding the clause, "as far as the laws of Great Britain permit." Britain was asked to continue the status of the priests as it had been under France, and Britain said No, and added nine words to the article which decisively deprived the priests of their powers under French rule and placed them where the law of Britain placed them. Ten years after the treaty was ratified, when the Quebec act was being contemplated, the law officer of the house, Wedderburn, afterwards lord chancellor gave this written opinion on the article—

"This qualification (so far as the laws of Great Britain permit) renders the article of so little effect, from the severity with which, though seldom executed, the laws of England are armed against the exercise of the Roman Catholic religion, that the Canadian must depend more upon the benignity and wisdom of your majesty's government for the protection of his religious rights than upon the provisions of the treaty."

Canada having been made by the treaty of Paris, part and parcel of the British empire, ar-

rangements had to be made for its government. In December, 1763, General Murray received his appointment as governor of the province of Quebec, with minute instructions as to what he was to do. The following were the directions he was to follow in ecclesiastical affairs—

"And whereas we have stipulated, by the late definitive treaty of peace concluded at Paris the 10th Feb., 1763, to grant the liberty of the Catholic religion to the inhabitants of Canada, and that we will consequently give the most precise and most effectual orders, that our new Roman Catholic subjects in that province may profess the worship of their religion, according to the rites of the Roman church, as far as the laws of Great Britain permit; it is therefore our will and pleasure, that you do, in all things regarding the said inhabitants, conform with great exactness to the stipulations of the said treaty in this respect.

"You are not to permit of any ecclesiastical jurisdiction of the see of Rome, or any other foreign ecclesiastical jurisdiction whatsoever in the province under your government.

"And to the end that the church of England may be established both in principles and practices, and that the said inhabitants may, by degrees, be induced to embrace the Protestant religion, and their children be brought up in the principles of it; we do hereby declare it to be our intention, when the said province shall have been accurately surveyed, and divided into towns, ships, districts, precincts or parishes, in such manner as shall be hereinafter directed, all possible



"encouragement shall be given to the erecting Protestant schools in the said districts, townships and precincts, by settling, appointing and allotting proper quantities of land for that purpose, and also for a glebe and maintenance for a Protestant minister and Protestant schoolmasters; and you are to consider and report to us, by our commissioners for trade and plantations, by what other means the Protestant religion may be promoted, established and encouraged in our province under your government."

In these instructions there is not a word as to the French language, while as to courts and laws Gen. Murray is advised to copy those of the other American colonies, especially of Nova Scotia.

These then are the facts of the treaty: 1 The French king asked that the article of the treaty regarding religion read so as to leave the priests their old status. 2 This the British not only refused but inserted words to make it clear the priests would only have the status allowed by the English laws then in force. 3 To make the matter more definite, an article was included in the treaty declaring the French king made over his subjects in Canada without restriction. 4 Following the treaty, King George issued a proclamation declaring English law to be the law of Quebec. 5 The priests recognized they possessed no longer the status under the French regime by not exacting tithes or dues by law. 6 The instructions to the first governor were that he was not to permit any ecclesiastical jurisdiction of Rome in the province, and was

told it was the intention to make the Church of England its established church.

Positive and continued assertion goes a long way with people too indolent or too careless to enquire whether such assertion has a foundation of fact. For generations the people of Canada have been listening to solemn assurances that the treaty of Paris secured to Quebec peculiar privileges, and these assurances have been accepted, while reference to the article of the treaty, without considering the attending circumstances under which they were formulated, or the interpretation placed upon them by the governors and officials who had to carry the articles into practice, would show they are falsehoods. Whoever repeats, that the treaty by which France renounced Canada to Britain guarantees the exceptional privileges which the French Canadians and the church of Rome enjoy in the province of Quebec, tramples on the truth.

Seeing these immunities and privileges do not have any foundation in the treaty of Paris, what authority is there for them? They rest solely on legislation, and what legislation gave legislation can take away. The first concessions were contained in the act of 1774, and the opening so made has been taken advantage of to obtain a succession of favors from the Quebec and Dominion legislatures. To the Quebec act, regarded by many French Canadians as their magna charta, is to be traced the origin of the evils which have befallen the English-speaking settlers, and which it is the purpose of this monograph to describe. It is consequently necessary to examine

it minutely and the circumstances under which it was passed.

There never would have been trouble in the consolidation of Canada with the empire but for the priests and those who styled themselves the noblesse. The latter did not number seven score and not one in a score had the slightest claim to the rank of nobility. They had held commissions in the French army or had been officials in its civil service. The change of masters had left them without employment. The English governors would have given them positions, but could not owing to the oaths prescribed as essential on entering the king's service, so they lived in poverty, too proud to work with their hands but not too proud to accept gratuities. Idle and discontented they agitated for changes that would better their lot. Under the new rulers the habitants were prosperous and contented; the little knot of gentry were the reverse. Had the intolerant regulations that then governed the military and civil service been waived in their favor they would have become valuable servants of the British crown: shut out by these wretched oaths, proud and poor, arrogant and vain, they resented the law that debarred them from positions of profit and honor and constituted a centre of discontent against the government of the province. All the petitions for changes in law sprang from them. If, they said, Canada is British, it ought to be ruled as part of the empire; self-governing, with representative institutions, and so they agitated for changes which would provide opportunities for benefiting themselves. The habitants ignorant of constitution-

al government, took no part in an agitation they could not comprehend: all the same, the little knot who were clamoring that Quebec be given a legislature pretended they represented the people as a whole.

For four years after Canada had come into Britain's possession it was under martial law. To the habitants this was nothing new: under the rule of Louis XV. they had known no other, it was simply a benigner form of the rule they were accustomed to. Garneau termed it the period of military despotism. Did New France ever know of any other form of government? The issuing of the royal proclamation of 1763 ended military rule by giving a governor and council to the province. This continued until the Quebec act came into force. The beginning of May, 1774 the government, without previous notice, laid before the house of lords a bill to provide for the better government of the province of Quebec. It met with no opposition and in a fortnight was adopted and transmitted to the house of commons. It was a short bill, embodying three important enactments—

Restored French law,

Repealed test oaths and invested the priesthood with authority to levy tithes and dues, Provided that the province be ruled by a governor and nominated council.

Who the author of the bill was cannot be stated with certainty. This is known, that it was advised by Carleton, then governor of the province, and was strongly favored by the king. Lord North was premier, and anything, no matter how foolish, George III. might ask he would support, the

more so, when, as the bill promised to do, he would be saved trouble in managing the new possession. Passed at once by the lords, the bill suddenly appeared in the house of commons at the fag-end of a session, which was to be the last of that parliament, so when it came up for its 2nd reading out of a house of 588 only 134 were present. Believing the work of the session was ended many members had gone home, and many were engrossed in preparations to ensure their re-election. The expectation that the bill would slip thru the commons as easily as it had done in the house of lords was speedily dissipated. The ministers had offered no explanation when the bill was introduced and the motion that it be read a second time was formal. It likely would have passed without debate but for Thomas Townshend, who at once rose to oppose the motion, and to the close of the debates led the opposition. He was against making Quebec French, and foretold what would be the result. With a prescience that tells of a penetrating intellect, he pointed out the effect the bill would have on those English emigrants who had settled in Canada, relying on the promises of the proclamation of 1763. "Would it not be better by degrees," Mr Townshend asked, "to show the French Canadians the advantages of the English law and mix it with their own? "You have done the contrary: "you have taken from the English subject his benefit of the law of England, and you do not offer to the French subject that change of the constitution, which, if introduced in a moderate manner, would attach him to Britain. I am convinced," he

added, "this bill, if carried into execution, will tend more to rivet in the Canadians prejudices in favor of French rule, than it will attach them to the government of England." Other members took the same view. Lord Cavendish held the true policy was to assimilate the new subjects, who had been, he remarked, transferred to Britain by the French king like deer in a park. To give them their old laws and customs will ever make them a distinct people. The necessity of keeping good faith with those who had settled under the promises of the proclamation of 1763 was urged by several. The persons affected were not the few who had found homes on the St. Lawrence, but the thousands who had moved from the 13 colonies into the valleys of the Ohio and Mississippi, for, it is to be understood, the term province of Quebec was made to cover the territory out of which great States were afterwards carved. The defence of the bill was purely apologetic. None of the ministers who spoke pretended they cared much for the bill, which was, they assured the house, merely experimental. Lord North was master of big phrases and affectations of superior wisdom. He patronized the opponents of the bill, was sorry they could not understand it, or see they were misled by prejudices. In view of the interpretation placed on the bill by a certain class in our times, the premier made two striking admissions. The bill was to be no irrevocable statute; he intended it would be changed or repealed in the near future. It was not, he told the members, to be a perpetual settlement. His solicitor-general, afterwards lord

chancellor Wedderburn, was more explicit. "An objection has been urged against the measure," he said, "namely, that there is no clause in the bill to make its operation temporary. Now, I consider this bill, in its nature to be temporary. A bill of this kind cannot but be temporary, because it is a bill of experiment." Lord North's other admission was more remarkable. "The honorable gentleman demands of us, will you extend into those countries the free exercise of the Roman religion? Upon my word, I do not see that this bill extends it further than the ancient limits of Canada," that is the church was to only exercise its privileges in those parishes in which it had done so under the French regime. Afterwards, when speaking on the objection to the presence of a Catholic bishop in Quebec, he remarked—

"Whether it is convenient to continue or to abolish the bishop's jurisdiction is another question. I cannot conceive that his presence is essential to the free exercise of religion; but I am sure that no bishop will be there under papal authority, because he will see that Great Britain will not permit any papal authority in the country. It is expressly forbidden in the act of supremacy."

Those who read so much into the Quebec act should consider the intention of the premier who submitted it. Charles Fox, the keenest of parliamentarians, based a point of order on the restoring of tithes and dues. The bill proposes to restore them, said Fox, that is imposing a money-tax on the Catholics of Quebec. The bill comes to us

from the house of lords, which has no power to originate a bill to raise money, therefore the bill could not be considered. Lord North argued the bill did nothing of the kind, for it merely continued a tax that already existed. The retort was obvious. If tithes and dues existed what need for the bill: if they did not exist, the bill must be thrown out on the point of order. This threw on the ministers the necessity of proving tithes were being levied and their attempting to do so brought out evidence of the highest value as to the status of the church of Rome in Canada since the cession. Mr Dunning, afterwards Lord Ashburton, declared he had it on the best authority that the priests had not been since the cession in possession of tithes and dues, nor will they unless the bill becomes law. Mr Townshend said he also had it on the best authority that the priests never dared to sue for tithes. Sergeant Glynn, an eminent lawyer, scouted the drawing of any distinction between a tithe and a tax. The right to the tithe had ceased to exist but would be restored if the bill passed. The right to the tithe, in future, he declared, is founded not on anything in the past, but upon this act of parliament, and will be a new right bestowed. The government finally had to acknowledge tithes and dues were not in existence in Canada, the solicitor-general admitting the priests had not since the conquest sued in the temporal courts but had adopted the method of enforcing payment by excommunication. Fox had sustained his point of order, but the government overruled it by their vote. They pressed the bill to

its second reading, and it passed by 105 to 29. This showed its defeat was hopeless, but the opposition continued their efforts in the expectation of introducing amendments. Of these two may excite surprise in our times—their strenuous efforts to graft in the bill trial by jury in civil cases and the right of habeas corpus. Daily experience in England was showing that only trial by jury stood between the people and the tyranny of the crown, and that removal of habeas corpus might mean at Quebec lettres de cachet, then a real terror in Paris. To understand the force of the arguments on these two subjects we must place ourselves in the position in which the people of England then stood, with the crown stretching its prerogative to the utmost and believed to be ready to use, if it dared, the despotic instruments of the French court.

When the house went into committee on the bill, a new figure appeared, that of Edmund Burke who at once lifted the debate to a higher plane. Pointing out that the house was asked to impose a code of laws with which no member was conversant, he demanded evidence as to the need of the bill and of the nature of the laws and customs it proposed to restore. It was monstrous to enact laws of which the members had no knowledge. There were, he understood, reports on the subject; he asked that these reports be laid on the table for the information of members. He was answered the reports were too voluminous to copy in time for use. Baffled in this direction, he demanded that witnesses be examined. The ministers say the bill is a neces-

sity, and until such proof is adduced I, for one, will never give my vote for establishing French law in Canada. Shamed from forcing the bill into law without some proof of its need, witnesses were called. Of these only three were material, namely the late governor, Sir Guy Carleton, afterwards made a peer with the title of Lord Dorchester, his Attorney-general at Quebec, Maseres, and his chief-justice, Hey. It was well-known Carleton was humoring the king in his desire to have the bill passed, yet, to pointed questions, he had to acknowledge there was no dissatisfaction among the body of the people, that the habitants were prosperous and contented, that they did not want self-government, that they feared any change would lead to trouble and expense, and that the agitation for change of administration was confined to the noblesse, who wanted admission to places of trust and honor equally with the English. The courts of justice that had been in existence since the proclamation did not give satisfaction, and, in that regard, the desire to return to old customs and usages was general. The evidence of the other two witnesses went to confirm the belief that there was no urgent need for the bill. When asked how it would affect the English inhabitants, Hey cautiously answered it would disincline them to remain in Canada. "My idea," he said, "is that a country conquered from France was, if possible, to be made a British province." He favored adopting the French laws regarding land and personality, but all else, commercial and criminal, should be English. The unexpected lenity with which the French

had been treated, had caused them to rise in their demands, and they now asked nothing short of restoration of their laws and customs.

The calling of General Murray was demanded, but the ministers evaded the request. His testimony would have been of highest value, and would have borne against the bill. One member said he especially wanted Murray to explain the difference in estimates of the population of Canada. The statement of the bill that it was 65,000 at the time of the conquest and was now 150,000 was incredible, and so it was.

Before entering into the principle of the bill, Burke raised a point concerning the status of English-speaking settlers. The bill as introduced conceded to Quebec the angle of land westward from the head of lake Champlain. On behalf of New York he objected to this, because it would bring into Quebec a number of settlers who believed they were on land belonging to New York. "Unless the line is rectified," urged Burke, "you reduce British 'free subjects to French slaves.'" He went on to say the line proposed was not a line of geographical distinction merely, for it was not a line between New York and some other English settlement, but a line which would separate men from the right of an Englishman, by placing them under laws which are not the laws of England. Compared with English law and rule the eloquent Irishman exclaimed, the law and rule of France is slavery. You cannot deprive the forty or fifty thousand settlers on the New York frontier of the benefit of the laws of England, yet this is

what the bill proposes. I would have English liberty carried into the French colonies, but I would not have French slavery carried into the English colonies. The case thus made out by Burke was so clear to the majority of the members, that Lord North yielded and accepted Burke's amendment that the boundary of Quebec from lake Champlain westward be the 45th parallel of latitude.

If English-speaking settlers drawn into Quebec by a change of boundary would be slaves, what of those then residing in Quebec or who thereafter might go there? This also was spoken of, and by those on the ministerial benches with a superciliousness and ignorance that was shocking in legislators engaged in shaping the destinies of a future empire. They held that the settlers then in Canada were not worth considering. They were few, less than 360 men, apart from women and children, nearly all were disbanded soldiers, who, having the privilege of selling liquor without license, were keeping taverns and grog-shops. The better class, the military and civil officials, and the merchants doing business in the ports, were merely sojourners, who expected to return to Britain. What of future English-speaking settlers? The ministerialists declared there would be none. Mr Dunning, opposing the bill, asked, Ought you not, upon the principle of strict justice, to make some provision for persons coming to Canada upon the promise of English laws, and who will find, should this bill pass, they have got into a country governed by a despotism—that they have got into a country where the religion

they carried with them has no establishment? Solicitor-general Wedderburn replied that the government did not wish to see Canada draw from Britain any considerable number of her inhabitants. The number of English who have settled in Canada is very few, and "it is one object of this bill that these people should not settle in Canada," and went on to declare the policy of the government to be to prevent settlement of English beyond its southern boundary, or westward of the Ohio, to say to intending settlers, "this is the border beyond which, for the advantage of the whole empire you shall not extend yourselves." This was the view taken by other of his colleagues, that English-speaking people should not be allowed to take up land in Canada, and, therefore, all they had to consider was the 150,000 French Canadians. The gentlemen on the government benches looked on Canada as an inhospitable land of ice and snow, with a fringe of Frenchmen dwelling on the banks of the great river that had its source in an unexplored wilderness, whose vastness baffled imagination.

The ignorance that led them to denounce emigration was matched by their ignorance regarding religion. This assemblage, in which was no member who would not take the oaths of the test act, had no conception of religion existing without an establishment. The proof of the contrary, furnished by the non-conformists of Britain and by the Puritans across the Atlantic, they totally ignored. There must be tithes and dues and state authority or there could be no church. This pretension was used by those

who, in supporting the bill, yet held they were sound Protestants. Even Burke was unable to take the larger view, that with the maintenance of religion the state should have nothing to do—that the existence of religion depends not upon the breath of kings or parliaments and that State assistance smothers the divine spark. The acute legal mind of Mr Dunning saw the absurdity of what the government was proposing, that a Protestant king be head of an established Roman Catholic church at Quebec, and the greater absurdity which the premier suggested, co-ordinate establishment of that church and of the church of England, and argued for simple toleration of both. He contended that to establish was to encourage, and pointed out the difficulties that would arise from establishing a church which did not recognize King George as its head. The premier scouted the fear thus raised, for, he declared, he had it from the law officers of the crown, that the Catholic bishop of Quebec was subject to the king's supremacy. As the debate proceeded and members realized all the bill would do, those who were military men feared one result would be the reviving of that militia which had ceased with the surrender of Vaudreuil. Binding the priests to King George by privileges dependent upon his will they thought secured to him the services of their parishioners as soldiers. It was an impression which experience at the outbreak of the American revolution showed was erroneous when the habitants refused to turn out as militiamen for priest or seignior. The reverse was taken for granted, however, and the be-

lief prevailed that the bill would give the king an army irresponsible to parliament. Col. Barre, who had served under Wolfe, and whose figure appears in West's picture as one of those surrounding the dying soldier, with Irish frankness declared the object of the bill was to secure to the king "a Popish army to serve in the colonies, destroying all hope of peace with them, for the Americans will look on the French Canadians as their task-masters, and, in the end, their executioners. That is the plan of the government, not a man of them denies it; I wash my hands of the bill, I declare my solemn aversion to it." William Burke, the friend, but not a relative of Edmund, denounced the bill as the worst that ever engaged the attention of parliament, for its object was to establish the Popish religion and French despotism in a conquered province. All the efforts of the opponents of the bill to make it consonant to British liberty and the principles of the British constitution had been defeated. "There will come an hour," he foretold, "when it will be necessary to testify there was some opposition entered against this mad proceeding." The objections of the few who realized the grave results that would flow from the bill were finely expressed by Sergeant Glynn and Burke in the closing debate, and extracts from their speeches will be found in appendix B.

The ministry showed no concern over the opposition the bill evoked. Secure in his servile following Lord North, when blocked by the opposition, called for a division, and the opposition was out-voted. Even when the atten-

dance was barely a seventh of the total, he was secure in a two-third majority. So slightly did the premier think of the bill, that he once adjourned the debate a day in order that he might attend a private entertainment.

The bill practically passed the commons as introduced. When it came before the lords for concurrence in the amendments, Pitt, who had been unable to attend when the bill was being considered, arose from a sick-bed to enter a protest against it as subversive of liberty and opening the door to fresh dangers. It will shake the affections of the king's subjects on this side of the Atlantic, he declared, and lose to him the hearts of those on the other side. The warning of the statesman who had won Canada, who had rescued England from danger and disgrace, and led her, wherever her flag floated, triumphant over the forces of the combined Catholic powers of Europe, was unheeded. Only six peers voted with him, and the bill declared carried by the votes of 26. On hearing of the progress of the bill the trade guilds of the city of London took alarm at the abolition of civil actions, as likely to affect their collection of debts in Canada, and the mayor, heading the council, went to wait on King George to ask that he refuse assent to the bill. That the measure was of his own suggestion, he proved by delaying to receive the deputation on a quibble until he had declared it law. When news of the bill reached the American colonies there was an outcry of indignation. Their people saw the hurt done them by passing the act, and resented it. The provincial legislatures adopted resolutions denouncing it



in language their descendants care not to acknowledge. Instead of allaying the spirit of disaffection by recalling into life fear of French domination, it intensified discontent. For a king who would set Catholic against Protestant, French against English, they had less regard than ever. In the declaration of independence the passage of the Quebec act is made one of the offences of King George's government that justified repudiating his rule.

What were the changes made by this act which caused so much discussion? The first and second sections define boundaries, the third confirms titles granted for lands, the fourth repeals any provisions in previous ordinances and the proclamation of 1763 in so far as they may conflict with the act, the fifth is the vital section, and reads—

"And, for the more perfect security and ease of the minds of the inhabitants of the said province, it is hereby declared, That his Majesty's subjects, professing the religion of the church of Rome, of and in the said province of Quebec, may have, hold and enjoy the free exercise of the religion of the church of Rome, subject to the king's supremacy, declared and established by an act, made in the first year of the reign of Queen Elizabeth, over all the dominions and countries which then did, or thereafter should belong, to the imperial crown of this realm; and that the clergy of the said church may hold, receive, and enjoy, their accustomed dues and rights, with respect to such persons only as shall profess the said religion."

The sixth section provides for

the establishment and maintenance of a Protestant clergy, the seventh dispenses with the oath of the days of Elizabeth, in which the claims of the Papacy are renounced, and substitutes one which simply promises true allegiance. The eighth runs thus—

"That all his majesty's Canadian subjects within the province of Quebec, the religious orders and communities only excepted, may also hold and enjoy their property and possessions, together with all customs and usages thereto, and all other civil rights. . . . as may consist with their allegiance to his Majesty, and subjection to the crown and parliament of Great Britain; and that in the matters of controversy, relative to property and civil rights, resort shall be had to the laws of Canada, as the rule for the decision for the same."

Section ten extends this by including all movables which may be given or bequeathed either according to the laws of Canada or of England. Eleven establishes English criminal law. The remaining sections provide for the constituting of a council to assist in governing the province, levying taxes, and other executive matters.

The two important sections are five and eight. On analyzing five, it will be seen it gives the power to the priests to compel their people to pay tithes and taxes to build and maintain churches and nothing more. The section does not recognize the Catholic church as an established church nor confer upon it any of the attributes of an established church beyond giving it the help of the law to secure support from its own members. Section eight

is peculiar in its wording. Literally interpreted, it placed the province under the laws then in existence in Canada, which were those of England. The phrase "laws of Canada" was dictated by pride, to avoid specifying the laws of France. The intention of the framer of the act was the guide to those who administered it. It was made clear, however, that the restoration of French law was not to extend to all the province but to be confined to the seigniories. Section nine reads—

"Provided always, that nothing in this act contained shall extend, or be construed to extend to any lands that have been granted by his majesty, or shall hereafter be granted by his majesty, his heirs and successors, to be holden in free and common soccage."

The importance has not been attached to this section that it deserves, for it confines the application of sections 5 and 8 to an extremely limited area. When the bill was passed the only land in the province that had not been granted in free and common soccage was the seigniories, which formed a fringe along the St. Lawrence and Richelieu, some ten miles deep. Outside that narrow fringe, sections 5 and 8 did not apply. The act of 1774 amounted then to this, that in the seigniories French civil law was restored and the priests could collect tithes and dues. Outside the seigniories the law remained as fixed by the proclamation of 1763. The act is invariably spoken of by French commentators as applying to the entire province of Quebec, Section 9 places beyond controversy that its reenactment of French

law was confined solely to the parishes then in existence, an insignificant portion of the province.

Of the practical effect of the changes made we have an official and authentic estimate by the ministry who submitted the Quebec act. It received the royal sanction on June 22nd, 1774. Six months afterwards Sir Guy Carleton was appointed governor of Quebec. The royal instructions he received for himself and the council that was to be formed were exceedingly voluminous. After pointing out the discrimination to be exercised in allowing the French "the benefit and use of their own laws, usages, and customs" in regard to real estate and descent, the new council is admonished to consider well in framing its ordinances "whether the laws of England may not be, if not altogether, at least in part, the rule for decision in all cases" of a commercial nature. The instructions as to religion shatter the pretence that the Quebec act made the Catholic church an established church. Governor Carleton is enjoined to recognize no such pretension, but to hold its bishop and priests under his control, preventing their exercising their clerical functions until they had received his license. The instructions are copied in appendix C, and the reader will perceive from them how limited were the concessions made. The value of the act of 1774 to the church of Rome in Quebec lies not so much in what it conceded, as in making an opening for further demands. Once granted that it should have exceptional privileges, demand was piled upon demand as oppor-

tunity presented itself, each demand as conceded forming an excuse for asking more and urged as a reason for legislators giving what was asked. It is the old fable of first a finger, then an arm, ending in the whole body.

This chapter has been unduly extended by giving the text of quotations instead of summarizing them. This was necessary in view of the fact that when any proposal is made to assimilate Quebec with the other provinces of the Dominion in law and administration, it is met with the declaration that the proposal conflicts with the "guaranteed rights" of Quebec. In daily conversation, from the platform, on the floor of parliament, from the judicial bench, from the pulpit, changes have been declared not possible on this score, and the idea has been propagated that the French language, French laws, and the plenitude of power enjoyed by the church of Rome were pledged by a solemn treaty, with which parliament dare not interfere. In examining into whether this be so, it was necessary to quote literally. And what has been the result? First, that neither the treaty nor any of the Imperial documents has a single word about the French language. The assertion that its official use was guaranteed has not a tittle of evidence to rest upon: it is a pure fabrication. Nowhere in the treaty or the documents it is based upon is the French language even recognized. Second, this is also true as to French laws. The treaty not only makes no reference, however indirectly, to such laws, but by the fourth article transferred the inhabitants of Quebec

to the British crown without restriction. Third, as to religion. The treaty merely guaranteed that toleration Catholics would have received without specification. Then, following the treaty, King George issued a proclamation, in which he assured all who went to Quebec "may confide in our royal protection for the enjoyment of the benefit of the laws of our realm of England." In instructing its first governor, Murray, how he was to rule the province, the king enjoins him that, while giving such scope as the laws of England allowed to his Roman Catholic subjects, he was not to admit the jurisdiction of Rome. The measure of toleration thus allowed was recognized as all those affected could expect under the treaty, and no complaint was made by them or by the French government that article four was not observed.

Privileges granted by legislation stand upon a different base from those secured by an international treaty, and it was by legislation what is exceptional in the privileges of the priesthood in Quebec came. The act of parliament of 1774 gave them power to collect tithes and fabrique taxes in the 82 parishes then in existence and nothing more. Outside those parishes they were given no exceptional rights. The instructions to the governor who was to administer the act, inform him the concession does not imply the church of Rome in Quebec is an established church and he is forbidden to recognize its episcopal powers. Finally, the act, while restoring French law and usage, does not do so in the province at large, but only to that small portion of it held under seigniorial tenure, and that

only for a time, for the council is admonished by the king to bring that law, as opportunity presented, into harmony with English law.

The French Canadian has no treaty rights, but he has what is higher than any the king of his forefathers could have demanded for him—the rights of a British subject, and these alone. The church of Rome in Quebec has no treaty rights, and nothing be-

yond what statutes have bestowed. Her peculiar privileges, so injurious to those outside her pale, so threatening to the peace of the Dominion, were obtained piecemeal, and at wide intervals, by legislation. At any time, by the will of the majority of the electors of the Dominion, whatever is contrary to the public weal in the laws of the province of Quebec, can be annulled by legislation.

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## CHAPTER 6

War being the greatest of all violations of the natural laws, it follows that the penalty which befalls the nations which have crossed swords must be in proportion. Earthquake and volcanic irruption, flood and drouth, famine and epidemic, are each of terrifying significance to a nation, yet the consequences of all these combined are not comparable to the woes that war lets loose on humanity. And there is this peculiarity about them, that long after the cause, indeed often when the war from which they arose has passed from memory, the woes remain. The loss of Canada to France is directly traceable to the bloodthirsty spirit of its founders. They aimed at a military colony, with every man a soldier, and it was by flourishing the sword in the face of their neighbors the colony provoked its fate. Had they kept by spade and plow the colony would have lived and flourished. The overthrow of the power of France in America is referred to by those of English speech with exulta-

tion, and Wolfe's victory is quoted as something inspiring. Yet it is writ plain on the page of history that the conquest of Canada was a blunder—a presage to the greatest disaster that ever befell the British nation and to the Anglo-Saxon race. Had the consequences of the battle of the plains of Abraham been pictured by a seer, the tidings of it would have been received wherever English is spoken with lamentation. It was the conquest of Canada that made the American revolution possible. Had there been no conquest, a peaceable separation of the 13 colonies would have come in time; it was the conquest that precipitated the event in bloodshed, giving birth to a spirit of hatred and jealousy on the part of the Americans which has often thwarted Britain's purposes and encouraged her enemies. Worse than that, it ranged those who speak the same language and profess the same faith in open antagonism. The false patriotism to which militarism gives birth may

glory over Wolfe's crowning achievement; true patriotism, the offspring of the love of humanity, cannot. The Canadian patriot sees in that victory the cause of the dangers that threaten his country—the continuance of institutions irreconcilable with freedom. The progress of events would have decided the destiny of Canada without wager of battle. A generation later its separation from France would have been inevitable. How differently would Quebec have entered into an English alliance had the step been taken after the downfall of the Bourbons? In that case the church of Rome would have been disestablished by her own members, the effete institutions which France had fastened upon Canada would have been flung aside by those who suffered from them. The people, aroused from the torpor of centuries of absolutism would have welcomed partnership with their English neighbors as equals, as allies and brothers in the cause of freedom. Let it be set down as a self-apparent fact that Wolfe's victory preserved in the New World what the Old World soon afterwards destroyed—the clerical and temporal institutions of feudal France. The France that died at the taking of the Bastille, and which disappeared from the banks of the Seine, was preserved on the plains of Abraham and survives to-day on the banks of the St. Lawrence.

Under any circumstances the conquest of a country is the greatest misfortune that can befall the conqueror. The world is so ordered, that each nationality can only be content when self-governed. The imposing of rule by outsiders arouses a

spirit of antagonism that appeals to every man who has felt the glow of patriotism. That the rule of the stranger is better than that it superseded does not change the attitude of the beaten people. They are foreign laws imposed by force. To the French Canadians the rule of the English was the more obnoxious that it was that of newcomers who differed from them in language and creed. In General Murray and his officers they saw not only their hereditary enemies, but men whom they had been taught from infancy to regard as heretics. That Murray was considerate of their needs and tolerant of their prejudices, that he had changed their government, for the better, given them a security they had never known, released them from burdens of taxation and service that had ground them to the dust, went for little. The weakness induced by the exhaustion of a long war compelled them to submit, but there was nothing to evoke their love. That they would yet see the stranger driven forth by the power of France was their hope. Remarkable to relate, there was not the slightest move by the British towards assimilation, no effort made to induce settlers either from the American colonies or from the Mother Land, and the habitants, prospering as they never had done, went on increasing, forming a solid body of people impervious to British ideas of civil and religious liberty. Had the government of George III. said plainly, that, as by the treaty of peace, France had relinquished all claim to Canada, they would treat it as a part of Britain and endeavor to make it British in deed as well

as name, there would have been ground to believe that each succeeding generation would have become more and more attached to Britain. Instead, the Canadians from the first were treated with distrust, the attitude of the governing class being that we witness to-day in Egypt and India. The possibility of their rising in revolt was the spectre that haunted each successive governor, and caused the maintenance of garrisons obnoxious to the inhabitants and burdensome to the British taxpayer. Canada was rich beyond the wildest imagination in natural resources, yet instead of developing them by encouraging emigration from the United Kingdom, where hundreds of thousands lived in penury, the government forbade the settlement of the lands that awaited the hand of man to burst into abundance. The policy of conquerors in all ages, to plant in the countries they subdued settlements of people upon whose allegiance they could rely, the British rulers ignored. But they went further. With a fatuity past comprehension, they not only took pains to prevent English settlers coming to Quebec, but restored to the people whom they guarded against such intrusion, the distinctive features of the French regime. By a sweep of his pen George III. wiped out English jurisprudence and restored the laws of the kings of France, and fastened anew on the people the parish system. The latter was restored under conditions the French kings would not have listened to. When the priest was given power to tax and tithe, he was held accountable to the crown for the way in which he used the privi-

leges, there was appeal by the parishioners to intendant and governor. It was extraordinary powers exercised by priests at the will of an arbitrary monarch, who, as he saw fit, curbed and suspended. Under the French regime the parish system, resting upon the will of an arbitrary ruler, could be modified or repealed at his whim; under British rule it was given the authority of a statute and was re-established in a way that has left the priest irresponsible to our courts. It is important to grasp all that is here implied. The Imperial parliament by the Quebec act gave the priest power to levy taxes to build and maintain church and parsonage and to provide his salary, and to use the secular courts to collect these taxes, yet exempted him from accountability to the government or to the courts. On a select body of men was bestowed the privilege of using the courts, which means the authority of the crown, to collect taxes, without responsibility either to crown or court as to giving account of the service they render for the money so levied. What Bishop Laval sought but could not get from Louis XIV., an ecclesiastical system independent of the state yet using the state as its servant, George III., while pluming himself on his stand against the hierarchy of Rome, was the means of enabling that hierarchy, in course of time, to get all they wanted.

While the conquest of Canada made the American revolution possible, that revolution was the unlooked for cause of preventing Canada reverting to what it was under France. Left under the conditions of the Quebec act and

the policy that prevented immigration, it would have become a Papal preserve, expanding with increase of population. What changed that fate was the abrupt rush of a host of fleeing men, women, and children seeking refuge beneath its forests from the hate and cruelty of the victorious republicans. Their coming saved all of Canada west of the Ottawa from the doom that has overtaken Quebec. These newcomers were energetic and the appearance of a chain of settlements on the banks of the upper St. Lawrence and along the north shore of lake Ontario compelled the home authorities not only to provide for their maintenance but also to give them some form of government. Here, again, in framing a constitution to meet the new conditions forced upon them, they blundered. They knew these people who had fled from the tyranny of the new republic would not submit to the conditions of the Quebec act, and that something different was required. Instead of repealing that act and devising a constitution that would give, French or English, all they could expect, and so keep Canada a unit, they decided to divide Canada into two provinces—one French the other English. So far as practicable, the policy of segregation, of two laws, and two systems of administration, was to be tried. This is the policy which, half a century afterwards, Lord Durham deplored and endeavored to correct. It was too late, the evil was not in his day to be remedied, and the union that would have succeeded in 1791 failed in 1841. Pitt professed to see in the arrangement of two provinces a means of averting strife between French

and English, for each would have their own province and their own legislature. In this Fox did not concur. Instead of providing for the separation of the two races, he urged, it was "desirable they should coalesce into one body" and that the different distinctions be extinguished." Outside the official circle, the bill was opposed by the entire English population of Quebec. They were few, to be sure, and because they were few were the more solicitous there should be no division into two provinces. One of their number, Adam Lymburner, was deputed to appear in London and represent their views. He was given a hearing at the bar of the house of commons and read an intolerably tedious protest against the proposed measure. Amid his cloud of inconsecutive sentences he made one point clear, that the English settlers desired the repeal of the Quebec act in toto and a new constitution for the whole country, which would recognize no distinctions as to race or creed; to use his own words, "a new and complete constitution, unclogged and unembarrassed with any laws prior to" the conquest. He spoke to the wind. The bill erecting two provinces, Upper and Lower Canada, was passed, and another step taken in perpetuating the French regime under the British flag.

The Canada act provided for a modified system of self-government. There was to be a lower house whose members were to be elected by the people, and a council composed of crown nominees. The device was a compromise between self-government and autocratic rule. A remarkable feature of the act, and of which

slight notice has been taken in any of our histories, is its making the church of England the established church of both provinces. After declaring that the provision in the act of 1774, ordering "that the clergy of the "church of Rome in the province "of Quebec might hold, receive, "and enjoy their accustomed "dues" from their members, the act authorized the governor-in-council to erect church of England rectories within every township, or parish, and to pay the rectors salaries out of the waste lands to be allotted for that purpose or from any tithes that may be collected. The governor-in-council was to have the presentation to these rectories under the same conditions as exist in England. To prevent any obstacle being placed in the way of carrying out these provisions by the assembly, it was provided that any act of the legislature regarding them must be submitted to the Imperial parliament before receiving the royal assent. The object of this clause, and of the one confining the constituting of and presenting to rectories to the governor, is obvious—to block any attempt by the French Canadians to prevent carrying out the purpose of the act. In the act there are 50 sections. Of these eight are devoted to the constituting of the church of England as the established church. It would be correct to describe the act as one establishing a modified system of self-government and the church of England in Canada, and the act furnishes incontrovertible evidence that, a generation after the conquest, the home government regarded the church of Rome in Quebec as an alien organization

having no inherent rights and none beyond those it had conferred upon it, with a declared intention of making the church of England the church of Quebec. That the purpose of the act failed does not affect the proof it supplies of the legal standing of the church of Rome in Quebec in 1791 or of the intention at that date of the government.

The act was a failure in more regards than its provision to establish the church of England. Its device to rule by means of an assembly elected by the people and a council nominated by the crown, the council having a veto on the acts of the assembly, was foredoomed, for it could not work. The one was democratic, the presumed mouthpiece of the people, the other autocratic, representing the governor and his advisers. It was inevitable the two should clash, especially in Quebec, where the assembly was French and the council English. Ere long they were openly antagonistic. In Upper Canada the cause of strife was constitutional; in Lower Canada, where only a handful of educated men knew anything of constitutional government, the cause was race. In Upper Canada, the members of the council were largely of the class who had been crown officials in the 13 colonies, and who brought with them to Canada their ideas of privileges, fees, and nepotism, and who treated the members of the lower house as inferiors who needed a master. That with the growth of the country there should be a revolt against the assumptions of such a petty oligarchy was to be expected. Conditions were entirely different in Quebec. To the habitant the proposal of an approach towards



self-government was an entire novelty, something he could not comprehend. In no regard had the French kings been so exacting as in seeing that the people should have no voice in public affairs—their duty was to submit, that of the king alone to govern. The instructions from France to successive governors give ample proof. To so great an extreme was this spirit of absolutism carried, that, as already noted, the people were denied a voice even in municipal matters. When Frontenac summoned an ordinary council in the church of the Jesuits at Quebec, he was not only censured by the king but advised to see that the town-councillors be appointed by the crown and not by the citizens of Quebec. The instruction, sent in 1685, "It is of very great consequence that the people should 'not be left at liberty to speak 'their minds,' was carried into every domain—that of church, parish, and state. Thus trained for generations, the habitant had come to look for the governance of everything outside his farm being conducted by those who claimed to be set above him, and anything approaching the right of free speech, free assembly, and free action was an undreamt of novelty. Of voting he knew nothing, and did not take kindly to the innovation. When called upon to vote for a representative in the assembly, he had his suspicions that it was a trap to do him harm. The farmers of whole parishes refused to vote and in others the feeling was carried to the extent of forcibly preventing those who wished. However elected, legally or not, members reported from each county. They were, apart from a few farmers,

the big men of their parish, seigniors or their sons, notaries or lawyers if French: merchants if English. When the house opened the question of language necessarily had to be settled. The supposition that the use of French as an official language was provided for in the act of 1791 is erroneous. There is nothing in it about language. English was the sole official language, and all the first assembly could do was to agree on the permissive use of French in its debates and journals. The debate as to language arose in choosing a speaker, and the remarks of one of the members have been preserved. Mr Panet said—

"I will explain my mind on the 'necessity of the speaker we are 'about to choose should possess 'and speak equally well the two 'languages. In which ought he 'to address the governors—is it 'in the English or French language?—To solve the question, 'I ask whether this colony is or is 'not an English colony?—What is 'the language of the sovereign 'and of the legislature from 'whom we hold the constitution 'which assembles us to-day? what 'is the general language of the 'empire?—what is that of one 'part of our fellow-citizens?— 'what will that of the other and 'that of the whole province be at 'a certain epoch? I am a Canadian, the son of a Frenchman— 'my natural tongue is French; 'for, thanks to the ever subsisting division between the Canadian and the English since the 'cession of the country, I have 'been able to procure a little 'knowledge of that of the latter '—my testimony will not, therefore, be questioned. It is then 'my opinion, that there is an ab-

"solute necessity that the Canadians, in course of time, adopt the English language, as the only means of dissipating the repugnance and suspicions which the difference of language would keep up between two peoples united by circumstances and necessitated to live together;—but in the expectation of the accomplishment of that happy revolution, I think it is but decent that the speaker on whom we may fix our choice, be one who can express himself in English when he addresses himself to the representative of our sovereign."

The house was not in session a week until the incompatibility of the two elements became apparent. The English-speaking members assumed airs of superiority which ill became them, and to which they had no claim, while the French regarded them with suspicion and banded themselves together for mutual defence. Under the most favorable conditions it would have been difficult to get the two elements to work in harmony; unfortunately, conditions were not favorable. War was going on between the Indian tribes of the southwest and the Americans. The authorities at Washington accused the English of secretly fomenting the strife. We know now, with the confidential correspondence between the governor of Canada and the Imperial authorities before us, how false that charge was, how sincerely anxious the British were to keep on good terms with the American government, and how Lord Dorchester and his subordinates exerted themselves to avoid even the appearance of offence. They, however, could not control individual Frenchmen,

whose traditional alliance with the warring tribes and dislike of their English speaking foes led them to assist in battling with the U. S. forces. Men suspected of acting thus were among the members of the assembly, and their presence was resented by the English members. A second and worse cause was the firm belief of the English that there was danger of Canada being reconquered by the French. From the hour of its cession and for a quarter of a century afterwards, this fear was dominant in the minds of the minority. That a French fleet would appear some morning in the St. Lawrence, land an army, and, assisted by the habitants, win Canada again for France, was a recurring dread with every prospect of war with that country. There was always a cry of wolf, of emissaries at work with French gold to seduce the habitants from their allegiance, of plots afoot to recapture Quebec, of officers disguised as civilians coming from France. When the assembly met, relations between France and Britain were strained. The French revolution had broken out, party feeling was red-hot, and it was plain to all, that only Pitt's great influence kept the two nations from flying at each other's throat. Just when national feeling was glowing intensely, when English were English and French were French with a meaning never before known, the assembly met. They could not unite. The English professed to see on its benches Frenchmen who were aliens, who were there to plot and scheme to overturn British rule, unjustly imputing to every Frenchman the crimes and opinions that were being perpetrated and promulgated

in Paris. The French members, forced by prudence to suppress their resentment outwardly, were as flatly hostile. They insisted not merely in using French in debate, many could not do otherwise, knowing no English, but in introducing bills in French, and in fixing the quorum at such a figure as made it impossible for the English members to be in a majority at any sitting. The governor, Dorchester, would not submit to bills being sent to him for his assent in French, much less agree to the statutes being printed in that language, and asked the Imperial authorities as to whether he should pass a bill laid before him in a foreign tongue. The instruction came back from London, that bills introduced in French, and passed in the assembly, must be put into English before being submitted to him.

When each ship that cast anchor off Cape Diamond brought tidings of worse and worse excesses in France, when every institution, however venerable from age or association with all that men reverence, was being overthrown, when scaffolds were daily drenched with blood, and every land was crowded with fugitives, came the announcement that France had declared war against Britain. The handful of English on the banks of the St. Lawrence realized their danger, and proceeded to take steps for defence. The governor ordered a levy of the militia. It was the second effort to call the habitants to arms under the British flag. It was a paltry contingent he asked, 2000 men. It was found impossible to make the levy. Disaffection found expression in riots and passive resist-

ance. The English banded themselves in loyal associations, and the government, having suspended the habeas corpus act, was active in arresting suspected persons. All this was natural under the circumstances, yet it is evident had the effect of placing the two races into direct antagonism and of interrupting the slowly healing process that had been going on before the ill-advised act of 1791 was adopted. The French now had a mouthpiece and a rallying point in the new assembly, which used its power to obstruct the measures the governor thought necessary. All this was natural. They would have been less than men had they not yearned to get back under their own nation: they would have been less than Frenchmen had the blood not run faster in their veins as they heard of those victories of the French republic that promised the displacing of English rule in Canada. Natural as all this was, Dorchester and his executive could not swerve from the line of conduct the victory of Wolfe had made incumbent upon them. Sedition was sternly dealt with by imprisonment and expulsion from the country, and all possible steps taken in preparation of invasion or a rising. It was a critical time, and only the supremacy won by the British fleet saved Canada from invasion.

The element that gave the government most trouble was again the seigniors. The prosperity that had come to Quebec as the result of British rule, had multiplied their receipts from the increasing number of their censitaires and the introduction of lumbering. They were no longer the beggarly idlers who sought

charity from the British government. The opening of the assembly was their opportunity. They became members and were in their element in conducting intrigues to embarrass the authorities. Most of them had maintained correspondence with their family relatives in France; several had visited France; all were Anglophobes of an implacable type, yet deceitful and plausible towards the English. Fortunately for Lord Dorchester, they had lost their influence over the censitaires. The habitants had never liked them, and what respect they still showed was a survival of their fear under the old regime. They openly complained of their remorseless exactions. Under French rule they could appeal to the advocate-general to keep the seigniors within bounds; now there was no restraining hand, and the habitants were clamant in their demand that a law be passed to protect them. The government favored such a law, but in an assembly where the seigniors had so much influence, its passage was impossible. The weakness that left the seigniors their feudal privileges is to be ranked among the causes which have produced the political difficulties which confront the Dominion. The development of the habitant is an interesting study. Under the old rule he could hardly be called a farmer, for his income depended more on his employment by the fur-traders than on what he raised from his land. Then his time was not his own. At any moment he was liable to be called out to serve as a soldier. In making forays on the English settlements and in repelling Indian attacks much of his

time was taken up. There was no encouragement for steady industry, and as a matter of fact the work on the homestead was left largely to his wife and children. The habitant as we find him to-day, in an economical sense, is the product of English rule. It was under Murray, Carlton, Haldimand and the transformation took place. He lost his military character, he lost the irregular habits of those engaged in the fur-trade, and became for the first time in his history a farmer. Dwelling in the midst of his family those domestic virtues were unfolded which form so beautiful a feature in the habitant home, while his limited earnings taught him his distinguishing thrift, for which there was no encouragement during the period when a commissary of the king could empty his barn. Between the habitant of the time of Louis XV. and of George III. the resemblance is slight. And this habitant created under English rule is incomparably the finest type of the French people. In solid worth—honesty, industry, kindly disposition, politeness—he commands respect, and if the causes were removed which have kept him unprogressive, he would astonish those who decry him, for the habitant and his children are naturally bright and have the capacity to take a foremost place among the peoples of this continent. Their intellectual bears no relation to their emotional and perceptive development, for they have been designedly kept in ignorance to serve the purposes of priest and politician. When the false lights of prejudice no longer distort the vision, when the bandages which have arrested his mental growth have

been torn away, when the habitant sees and thinks for himself, there will be a renaissance in Quebec outrivalling that of Italy which will compel the wonder and admiration of the world. Those who speak disparagingly of the habitant are ignorant of the qualities which lie latent within him awaiting the touch of the spirit of truth.

The character of English rule from the conquest to the approach made to self-government in 1791 is persistently misrepresented. One of the stock pictures of St. Jean Baptiste day pulpit and platform orators, is that of the French people deserted, helpless, despairing, revived by the appearance among them of their beloved pastors, calling upon them to save their nationality by rallying around them. The people did so, and the priests protected them from the designs of the invader and brought them in triumph to this hour. Contrast this with the evidence of a witness whose credibility cannot be questioned, and see how false the implication that British rulers persecuted or afflicted the people who had fallen into their hands. In a sermon preached in Quebec cathedral, June 27, 1794, he who soon after became Bishop Plessis said—"The disorders which prevailed in this colony ascended to heaven, crying vengeance and provoking the wrath of the Almighty. God visited our country with the horrors of war. . . . It spread the severest grief among all Christian families. They all lamented their own unfortunate lot, and that they could not live where the kingdom of God was threatened with destruction. Our conquerors were looked upon with jealousy

and suspicion, and inspired only apprehension. People could not persuade themselves that strangers to our soil, to our language, our laws and usages, and our worship, would ever be capable of restoring to Canada, what it had lost by a change of masters. Generous nation! which has strongly demonstrated how unfounded were those prejudices; industrious nation! which has contributed to the development of those sources of wealth which existed in the bosom of the country; exemplary nation! which in times of trouble teaches to the world in what consists that liberty to which all men aspire and among whom so few knew its just limits; kind hearted nation! which has received with so much humanity the most faithful subjects most cruelly driven from the kingdom to which we formerly belonged; beneficent nation! which every day gives to Canada new proofs of liberality. No, no! you are not our enemies, nor of our properties which are protected by your laws, nor of our holy religion which you respect. Forgive then this early misconception of a people who had not before the honor of being acquainted with you; and if, after having learned the substance of the government and the destruction of the true worship in France, after having enjoyed for 35 years the mildness of your sway, there are some amongst us so blind or ill-intentioned, as to entertain the same suspicious, and inspire the people with the criminal desire of returning to their former masters. do not impute to the whole people what is the vice of a small number."

## CHAPTER 7

It will be recalled that the policy of Lord North, and it was endorsed by his political opponents, was to keep Canada sealed against emigrants. Some encouragement, however, was given to soldiers who had served their time, to remain, and to them grants of land were made. Few went on the lots bestowed on them, and their patents they sold for a trifle. It was the influx of U. E. loyalists that shattered the illusions of the home authorities regarding emigration. The drift of that remarkable movement was towards Ontario, yet streamlets trickled into Quebec. Men with their families, who had been robbed of everything by the successful republicans, came in ships to Quebec and pleaded for assistance. Most of them were forwarded to the Lunenburg district, but, commencing in 1792, a few were granted lots in Quebec, which they set to work to clear. The tidings which travellers west of Montreal brought of the growth of thriving settlements where, a few years before, was unbroken forest, showed what was possible in Quebec and encouragement began to be given to the people of the British isles to come over. From a policy of exclusion the Quebec authorities rushed to the other extreme. After refusing land grants for a generation, they

now began to dispense them without discretion. Creatures who had official influence sought and obtained vast areas, ranging from 40,000 acres downwards. The first grant was made in 1795, and in the next 15 years over 2 million acres were ceded to men who had not the remotest intention of cultivating the land, but sought its possession in the expectation of selling it to those who would. It was the first of the long series of land-grabs that have lasted to our own time, and in some regards the most disgraceful. The evil effects of this locking up of land in the hands of those who held it in order to sell, were long felt, and did much to discourage emigrants remaining in Quebec. Had the land been granted only to those would clear and cultivate it, a large English-speaking population would have been planted in Quebec. When the new-comer found there were no free lots, that the land he yearned for had been conceded to some official or political favorite, who asked a price for it, he passed onwards to Ontario. The course of Canada's governments, from first to last, in dealing with its great heritage of virgin land, has been criminal. It trammelled the development of all the provinces, it blasted that of Quebec. When the first ship came whose main

purpose was the conveyance of emigrants cannot probably now be ascertained. In 1817, the year when immigration assumed such proportions that it commanded attention, vessels arrived with from 300 to 400, which indicates the tide had set in several years before that date. From 1790 ships landed families and groups of families who found homes in Quebec, but a steady stream of immigrants did not set towards the St. Lawrence until 1815, and high flood was not reached until 1820. These poor people were land-hungry and eager to get lots on landing. The fringe of French parishes along the great river was mostly occupied and what land was unoccupied was subject to rent, a word they had learned to dread. Back of the seigniories there were vast expanses of wild land, which, had it been given out in free lots, would speedily have been taken up. The government, however, had conceded it to placemen, who asked prices which the newcomers, whose capital lay in their sturdy arms and undaunted courage, would not pay.

This fell in with the desires of the majority in the legislature, who threw every obstacle in the way of those who came from the British isles settling in Quebec. Lord Dorchester perceived the obstacle seigniorial tenure presented to the settlement of the province and proposed not only that all unsurveyed land be granted in free and common soccage, but that steps be taken to enable seigniors to so convert their unconceded lands. The French members strenuously opposed these proposals, demanding that parish and seigniorial tenure be made universal. One of their

arguments was that free and common soccage tenure of land was conducive to republicanism! However, the governor had power enough to make that tenure the rule, and no crown lands were conceded after 1796 except in free and common soccage. That did not settle the question. Notaries continued to draw deeds in the old form and proprietors of ceded wastelands claimed the privileges of seigniors. In resisting the change of tenure, the majority in the assembly did not express the desires of the habitants, who were a unit for the abolition of the feudal tenure. They complained that while the seigniors exacted rents beyond what the law allowed, they did not maintain mills, that they refused to sell the best lands, keeping them for their timber, that they inserted a clause in deeds of sale reserving the timber on the lots, and that, owing to the rise in values, the fines in selling lots had become excessive. They wanted to hold their land in free and common soccage. Composed largely of seigniors, or of members who shared their views, the assembly was deaf to the demands of the habitants, who, ignorant of modes of procedure and incapable of combination, were unable to bring the power they possessed to bear. The more insistent the demand that seigniorial rights be abolished, the more resolute the assembly became in making it a matter of patriotism to resist. Seigniorial tenure was French, and meant French ascendancy and autonomy. An English merchant, Alexander Ellice, bought the most western of the seigniories on the south shore of the St. Lawrence with the view of settling it with Scotch

emigrants. On his son Edward inheriting the property he exerted himself to have the tenure changed, so that he could sell the land in free and common socage. His will was potent in the official circle at Quebec and a bill was submitted in 1822 to empower any seignior who chose to do so. It was thrown out by the assembly. Supported by petitions from the habitants, the bill was introduced anew in 1825, and was again strangled. Seeing it was hopeless to obtain legislation in Quebec, the authorities did the next best—they got an act passed by the Imperial parliament specifying that all lands in Quebec outside the seigniories were of English tenure. Here, again, a great opportunity was lost to abolish the French tenure, which remained to blight the prospects of the habitants for another quarter of a century. The passage of this act was made a grievance by the French members of the assembly. One of its leaders, Viger, declared “the tenures bill caused the “greatest discontent, because it “destroyed at once the system “which we considered extended to the whole province, and “which had been acted upon ever “since the conquest.”

The placing of all unconceded land outside French law increased the settlements along the frontier. While they were weak and struggling, and separated from the parishes by an almost impenetrable belt of forest, little heed was paid them by the French leaders, but the opening of the Craig road and the knowledge that they were growing and prosperous developed unsleeping hostility. Every recommendation of the governor to as-

sist them was ignored and when he suggested they had a right to be represented in the legislature, the French members would not hear of it. Quebec was for the French, and these newcomers were, to use their own phrase, “strangers and intruders” who had no rights the assembly was required to recognize. In 1821 the assembly declared itself in favor of extending the seigniorial system over the entire province. They did so, knowing well that system was an injury to the habitant. Why then did they advocate it? Because they knew full well Quebec had an executive which would enforce the law that no parish be formed where the land was held in free and common socage. The priests were determined their people would not be allowed to go on lands from which tithe and tax could not be collected and the assembly obeyed their order. To the hurt of the habitant they would oppose the abolition of feudal tenure until such time as the obstructing provision of the Quebec act could be either repealed or defied. The motive in opposing free and common socage, and in refusing to recognize the Eastern Townships settlers was the same that led the assembly in 1823 to reject a proposal to unite with Upper Canada, as expressed by its leaders, namely, that it would endanger the peculiar laws and institutions of the French. In a joint letter of Papineau and Neilson it is hinted the newcomers should be united with Upper Canada.

The open and persistent hostility of the French leaders in the assembly towards the English-speaking settlements was consistent from their point of view.



Their ardent desire was to preserve Quebec for their own people. Secretly, for it was dangerous to avow it, they cherished the hope of its becoming a French republic. In all this they did exactly what Englishmen would have done placed in a like position. If open to blame, it was that in seeking ends that spoke of love of race and country, they covered their purpose by hypocritical professions of loyalty to the British crown and constitution. No greater stickler for British rights ever appeared than Papineau, yet what he demanded for the French of Quebec he refused to the English. The sight of men protesting they were deprived of the privileges that were theirs under the British constitution, while working to restore French domination, was not edi-

fying, and yet that is the sum and substance of the course pursued by the assembly until ended by the rebellion.

The adoption of the tenures act drew a sharp line of demarcation between parish and township, silencing all question as to the nature of the tenure of the land lying outside the seigniories, and confirming the belief of the settlers in the townships that French law did not run within their bounds. The words of the Hon. J W. Horton, one of the oldest of the township settlers, when examined by the house of commons in 1825 were literally true, "English law prevailed throughout the province of Quebec between 1763 and 1774 and, so far as regards the townships, has never been repealed."

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## CHAPTER 8

Excepting Craig, the governors between the departure of Dorchester and the coming of Dalhousie were no credit to the English name. Their greed was excelled alone by their pettiness of mind. A great man can wield despotic power to benefit those over whom he is set, a weak one will descend to acts so despicable that resentment is colored with disgust. It has to be admitted their period of rule was trying. The French revolution had done in the province what the American revolution had failed to bring about—it had formed a band of republicans, of men who were en-

thusiastic in their belief that merely changing the form of government would transform everything. Their ardent minds yearned to make Quebec a republic, and in this they were encouraged by the French minister to Washington. Something like the clandestine communication between the exiled Stuarts and the Scottish Jacobites was opened by these French Canadian republicans with Genet and his successors at Washington, who encouraged them with promises and some money. Of more importance, was the knowledge that the Americans along the frontier

were ready to flock over at the first intimation of the red flag being unfurled. Had Washington, who was then president, given the slightest encouragement there would have been a second invasion by the valley of the Richelieu. After the revolution came the rise of Napoleon. It is impossible for us to realize the dazzling effect his victories and rapid rise had on the French mind. Altho far removed from the scene of his triumphs, and only imperfectly informed of them, the French Canadians exulted in him, looking upon him as the hero of their race. Spontaneously the belief grew in their hearts that he would be their deliverer, that part of his invincible army was sure to cross the seas to Canada. While the French were intoxicated with the achievements of that marvellous soldier and eager to welcome his legions, the English were as decided in their detestation of him, their hatred being unjustly extended to the French nation. Whatever approach had been effected between French and English during the rule of Murray and Dorchester was now obliterated by distrust and hatred. The ruling class at Quebec and Montreal looked on the French as traitors at heart, ready to side with the tyrant who was menacing the existence of England, and, unfortunately, by their haughty bearing and their high-handed acts in averting the danger they supposed existed, intensified the Anglophobe sentiment. Whoever would know the temper of these times, let him read the records of the assembly and the despatches of the governors. The squabbles over trifles, the irritating attitude of the assembly,

the mean tyrannies of the official class, were the straws that indicated the tense feeling that divided the two races. If an exception be attempted in the case of Craig, it can only be on the score that, unlike his predecessors and successors, he was not self-seeking, and had a sincere desire to advance the interests of the province. Yet the well-meaning old soldier, who tried to rule a province as he had done his regiment, did more to estrange the contending nationalities than all the others. The party that had been formed before he came, on the platform of our religion, our language, our laws, our usages, was consolidated by the course he pursued. Henceforth the majority in the assembly had one object in view, gaining the government of Quebec for themselves.

Perhaps of all the foolish means to which the governors resorted, to defeat a purpose that was palpable, was their endeavors to enlist the priesthood on their side. The attitude to be taken by Protestant rulers towards the church of Rome is so plain that there is no excuse for their going wrong. As the church of a section of their fellowmen, it is entitled to the same protection as is extended to other churches. To go further, is to place themselves in a false position. The Protestant ruler who looks upon that church as a depository of political power, and negotiates with it in order to obtain its support, is a party to an immoral proceeding, for two reasons. First, he is a traitor to those principles the term Protestant represents; second, he does wrong to the ministers of the church of Rome in asking them to use their spiritual

power to advance temporal ends. Yet of this crime against the body politic, this sin against God, every governor, save Dalhousie and Craig, before the union was guilty. Since the union, when personal gave way to representative government, every party leader stands equally convicted, for, to this hour, it has been their policy to enlist the influence of the hierarchy on their side. In no other way could such effectual aid be obtained for the time being: in no other way is the price of aid so pernicious to the welfare of the people. It is a simple statement of acknowledged facts, that in all such negotiations, where either a governor, a leader of a party, or an ordinary politician approached a representative of the church of Rome, whether a cure, bishop, or ablegate, the ecclesiastic has exacted a benefit for his church. They could not do otherwise. In accepting orders they sank their individuality, merging their interests in those of the greatest of all close corporations, becoming its passive agents, looking to its advancement as the purpose of their lives, and always remembering that while they would pass away the organization, whose creatures they are, would exist after them, and, therefore, ever to have an eye to plan for its glory however remote the realization of the plan might be. The men of the world who came asking for its favor had only a temporary purpose to serve and cared not for the future so long as their personal ends were met. The advantages they craved and obtained perished with them. Not so with the black robes with whom they had dealings. The favors they got in return for

those they bestowed were not for themselves but for their church and were permanent. The ruler or the politician had a momentary, a selfish purpose to serve: the ecclesiastic looked solely to the aggrandizement of the vast system in whose hand he was a staff. The early history of Canada exemplifies this as that of no other country, and does so because it is a solitary instance of a large Catholic population being ruled for four score years by a handful of Protestants, and when the non-Catholics did come to outnumber the Catholics, the latter, from their coherence, continued to hold the balance of power. The records I have now to quote tell one story—of the extremity of the state being made the opportunity of the church, of how that church has grown in power and prerogative thru the subservience of politicians who made alliances with it to promote their individual interests or those of their party. How great the concessions have been only those realize who will compare what the church of Rome was in Canada in the days of Murray and Carleton with what it is now. Then she was dependent on the will of the civil magistrate: to-day she dictates her desires to cabinets and legislatures.

Like too many Englishmen who find themselves in a new country, Sir Guy Carleton desired to reproduce the institutions of the country he left without consideration of the difference of circumstances. England had an established church, therefore Canada ought to have one. That a church could be maintained without tithes was, to the ruling class of the reign of George Third as inconceivable as that the crown

should not nominate bishops and present to benefices. For lack of members there was no Anglican church to establish, so for half a century each succeeding governor undertook to mould the church of Rome to suit his ideas. One after another labored under the notion that it was possible to form the same relation between that church in Quebec and the crown, as existed between the crown and the Anglican body in England. Sir Guy would have all the priests born Canadians, he would have them educated in Canada, he would have them licensed and presented to their parishes by the king's representative, who would also have a veto on the choice of bishop, and from bishop and priest exact the oath as to the king's supremacy. In a close relationship between the crown and the church, the church drawing its authority in temporal affairs from the crown, the early governors saw a guarantee for the permanence of British possession. The heads of the church humored the idea, for if the crown placed itself under obligation to them they perceived a means of regaining the old privileges their church enjoyed under the French kings, and after events proved their shrewdness. They never exerted their influence to help the British to retain Canada, without gaining an advantage for their church.

Carleton, who first tried to mould the priesthood to suit his designs, was insistent that it should be composed of Canadians born and educated, because he looked upon the priests who had come from France with suspicion. The danger of his time was the re-conquest of Canada, and he

regarded the French priests as spies, as agents of King Louis, plotting to overthrow the existing state of affairs. To get rid of them was his purpose, and in this he was aided by the jealousy that existed between the French and the Canadian priests. The former despised the latter for their illiteracy and rusticity; the Canadians, resenting these airs of superiority, assisted the governor in finding excuses for furnishing them with passage on board the first ship bound for France, and he, before long, got what he planned for, a native-born and home-educated priesthood. What was the result of this meddling with the internal management of a church? The governor came under obligation to the church, and the price exacted was including in the Quebec act its old authority to tax and tithe. That was the forerunner of a hundred similar bargains. Whenever governor or politician approached priest or bishop to get support, the price paid has been at the expense of the country at large. Had Carleton not sought the aid of the priesthood, the Quebec act would not have included article 5. In the subsequent period, when the danger to the continuance of British rule came from within, not from without, governors and their advisers again relied on the priests for help, each recurring obligation involving some fresh concession. For half a century after the conquest the priesthood were dependent on the goodwill of the state. The newly-appointed bishop did not exercise his functions until he visited the governor, obtained his approval of his appointment, and had administered to him the oath of allegiance; he could not

erect parishes and the highest legal authority was against him in presenting to parishes without obtaining the governor's leave. The language of the royal instructions was definite, "that no person whatsoever is to have holy orders conferred upon him or to have the care of souls, without a license first and obtained from the governor." The principle to guide the governors in dealing with the church of Rome was laid down in these words—"A toleration of the free exercise of their religion, but not the powers and privileges of it as an established church." In consideration of political services, irregularities in matters of patronage were winked at and to bind the bishop to the service of the British government a yearly salary from the Imperial treasury was allowed him. Contrast Bishop Denaut, ready to adopt a scheme that would have given the governor a voice in the temporal management of the church in Quebec, with Archbishop Bourget placing the state beneath the heel of the church, and the extent of the change in the condition and spirit of Quebec ecclesiastics, that took place within sixty years, will be estimated.

The breaking out of the war in 1812 came opportunely for the priesthood. The new danger caused the executive to seek their assistance, and the plan devised by Craig, to bring the priests under direct control of the governor, was abandoned. The yearly allowance from the Imperial treasury of \$1000 to Bishop Plessis was raised to \$5000, and, what he valued more than the additional money, the warrant for his salary, in 1813, was no longer made out in favor of "The super-

"intendent of the Romish church," for the existence of a bishop had not hitherto been officially recognized, but in favor of "The Roman Catholic bishop of Quebec," and so giving him, for the first time since the conquest, a legal status as such. Reduced to choosing between the rule of the American republic and that of Britain the priesthood had no hesitation in deciding for the latter, so that Prevost's blandishments were uncalled for. Indeed, they neither on this nor any previous occasion rendered any service to the crown of special moment. The claim that it was due the priests that Canada did not join in the American revolution, that the madness of the French uprising against monarchy did not spread to Quebec, that they prevented an invasion during Napoleon's reign, that they held back the habitants from assisting the Americans during the war of 1812, will not bear examination. In each instance they acted as the interests of their church required and without regard to the advantage of Britain. In every one of the four opportunities the French Canadians had to rise against Britain, it is obvious their church was going to profit more by remaining under British rule than in passing under that of Robespierre, of Napoleon, or of the United States. Under such conditions it was easy to pose as the friends of Britain and to accept money and legislative concessions for supposed services. Two instances of toleration of this period are often quoted—the use of the Recollet and Jesuit churches for Protestant worship in Quebec and Montreal. These would indeed have been notable instances of

toleration had these chapels belonged to the Recollets or Jesuits. The properties in question belonged to the British government, having been confiscated at the conquest, provision being made for the maintenance of the surviving members, who lingered around the old buildings until their death. In Protestants having had placed at their disposal by the governor for purpose of worship rooms in buildings whose title was vested in the crown there was nothing remarkable and a present of candles to the old men in charge was a kindly compliment.

With the close of the war of 1812 came a change in the tone of the bishop and his executive. It was no longer that of the mild Denaut; the conciliatory, submissive attitude faded, replaced by a gradually increasing haughtiness. Concessions ceased to be humbly prayed for, they were now demanded and the arrogance which ended in making the church the dictator in temporal affairs began to be apparent. This was due partly to Prevost's policy of flattering and fawning, but more to the influence of those French priests who fled to Canada from the horrors of the revolution. They were given a cordial welcome as objects of pity by the authorities, who made provision for their living in comfort while in exile. Such

of them as were Sulpicians were granted an allowance out of the revenues of the seigniorie of Montreal. These foreign priests infected the native clergy with new notions of their importance—told them they were imposed upon by their English masters, who could not dispense with their support. It was advice to be expected from members of that priesthood who had influenced the counsels of France under successive kings, and whose lives and spirit had aided in provoking the greatest national convulsion Europe has known. Their influence in Quebec was malign.

While those who held the reins of government at Quebec labored under the delusion that the priesthood could be made subsidiary to their interests, they with stupid fatuity, strove to fasten on the province a church establishment similar to that of England. Grants of public money were made to pay salaries to a bishop and clergy, a cathedral was built, and a chapter contemplated, and it was looked upon as feasible to levy tithes upon all Protestants until such time as the land set aside as clergy reserves should yield an income. Had these plans been carried out, the strange spectacle would have been presented of a province having two churches supervised by the state and both subsidized out of the public purse.

## CHAPTER 9

Is it wise to give self-government to a people who will use it in an endeavor to free themselves from their allegiance to the nation that bestows the boon? The history of Quebec answers No. The well-meant gift of the Imperial government of an elementary form of representative institutions worked out badly for the people intended to be benefited, and led to endless complications and difficulties to the British authorities. I confess I shrink from the task of outlining the events which ended in the rebellion, for to him who desires to think well not only of his countrymen but of the French who had been, by the rude force of war, entrusted to their care, in the interval between Craig's administration and that of Colborne, there is little in public conduct creditable to either nationality, and which both might well desire to have lapse into oblivion. In tracing the causes which led to the dying-out of the English-speaking settlements, it is necessary, however, to give attention to this period.

For the detestable struggle, which came into being at the organizing of the first assembly, but which did not become palpable until 1800, nor acute until about 1820, the act of 1791 is responsible. Given a representative assembly French and Catholic, and a nominated council English and Protestant, what other result could there be than strife? The bills that originated in the

assembly the council vetoed; those the council sent down were rejected. It was a constant deadlock. There was no intermediary to bring the two together, for there was no cabinet, no ministers responsible to the assembly for the measures introduced or for the conduct of business. The assembly was independent of the council and the council of the assembly, and each regarded the other as its special enemy. Then, back of both, was an executive council, responsible to neither and having a veto power over both.

The act of 1791 was a half-hearted measure. Had it handed over the government of Quebec to representatives of the majority of its inhabitants, that would have meant the loss of the province to the crown, for it would have been speedily converted into a French republic. That was foreseen by Pitt, and a compromise made. The French were to be given a voice in the government, and to a nominated council, and to the governor and his executive council was entrusted a reserve power to enable them to preserve the province to the crown. This arrangement could not fail to breed trouble. The French, zealous in seeking their independence, were constantly thwarted by the council and the executive, until governor and council came to be distrusted and hated by the French.

The period between the peace of 1815 and 1837 is often spoken of as a struggle for constitution-

al liberty, and gratitude expressed to Papineau and his colleagues for the part they played. Men, who ought to know better, are still heard repeating, We are enjoying what they fought for. If we were enjoying what Papineau and his associates fought for, we would be living in a French republic. The confusion of ideas regarding the period in question is extraordinary. Because the French professed a zeal for constitutional forms, they were fighting for the freedom Britons love: because the English settlers of those days opposed them, they were the abettors of tyranny. Why be misled by names and cries? Is it conceivable that Papineau was the representative of freedom, and Dalhousie of despotism? Is it not more consonant with fact and commonsense, to say Papineau plotted to overthrow British rule and Dalhousie resisted to maintain it? It is nothing new to seek treasonable ends under the cloak of zeal for the British constitution. In these days we see, in Ireland and India, leaders in the movement to break the imperial tie using that device. Given a body of men eager to change rulers, entrusted with legislative powers by the government they are opposed to, and by what way could they undermine that government except under constitutional forms? Force being out of the question, Papineau and his party had to keep within the letter of the law. The end they had in view was the expulsion of the English from Quebec, which was, from their standpoint, a patriotic undertaking. To achieve their purpose, they had the legislative powers conceded to them by the acts of 1774 and 1791, and they

used them skilfully and persistently. In the assembly their course was the simple one of obstruction. Whatever the governor asked, they refused,—when they dared; whatever the council enacted affecting their cause they rejected. Necessarily they had to do all this on constitutional lines, and so it came they used British parliamentary terms and procedure in the expectation of thereby trampling upon and casting out British institutions. They proposed to kill the English government with its own weapons. Take, for instance, the one prominent grievance of the French members, that they were denied the distribution of the crown revenue—meaning thereby the revenue allotted by the home authorities for the payment of the salaries of officials. In the assembly debates no disguise was made as to the motive for the demand—that it would place in the hands of the French members the power to take away the salaries of the English-speaking officials, who, as a result, would have to resign, when they would fill the vacancies from among their own number. Successive governors perceived what the assembly sought and rejected their oft repeated demand. The demand of the assembly was perfectly constitutional and its refusal as unconstitutional. The dispute, however, was not academic, it was one of fact. Those who made the demand, sought, under the cloak of zeal for constitutional government, to deal a fatal blow to British rule and those who denied the demand did so according to the dictate of self-preservation. Because a legislature makes a constitutional demand it does not follow its mem-



bers have a constitutional end in view. Their motive has to be considered. Take another instance. The assembly demanded that the crown lands be entrusted to its charge. What was their motive? They did not conceal it. They wanted to stop the flow of English-speaking settlers into the townships. Did Dalhousie act as a tyrant or as a true servant of the government he represented, when he put his foot down, and said No with emphasis, he would keep the control of the waste lands in the hands of the executive and go on inducing immigrants to take up their abode in Quebec? It was the same with a score of other nominal constitutional grievances. It was a violation of British constitutional precedent for Craig, and, after him, Dalhousie, to carry on the government by means of loans from the military chest, yet they had either to do so or quit their residences and take the first ship for England. Look under the surface of the political agitation of these times, blow away the smoke about constitutional grievances, and there will be seen an ably led and energetic majority using any pretence and any catchword to attain the object of their desire—Quebec for the French—and a pitiable small minority striving to preserve Quebec as a British possession. Both were right from their own standpoint. Nothing was more natural than that the French should use the power given them by the act of 1791 to endeavor to drive the English out. They only did what the English would have done had they been in their place. On the other hand, how could the officials entrusted by the crown with the preservation

of British interests, do other than they did in thwarting the efforts of the French? Wolfe's victory, placed both in a false position. Under the pretence of zeal for the British constitution the French sought to overthrow British rule, while those in office had to break constitutional law to defeat the men who were scheming to overthrow British power. When appeals were made by the assembly to the houses of parliament regarding the high-handed acts of governors in conducting the affairs of the province without their consent, it was impossible for the home authorities to formally justify the king's representatives, their conduct was plainly unconstitutional, yet they tacitly acknowledged that force of circumstances justified their irregularities, that had they not overriden the will of the assembly, British ascendancy would have been undermined. Dalhousie may be represented in two lights—as a dictator, putting under his feet the constitution in order to tyrannize the French, or as a patriot, who dared to break the law to keep the British flag flying from Cape Diamond.

Until within a year or so of the rebellion, I know of no evidence that the French leaders intended resorting to force. They believed they could attain their purpose by so embarrassing the executive that British government would become impossible and the province be abandoned to themselves. Their course was shaped to bring about a deadlock—a crisis, when the English executive would have to confess inability, to longer conduct public affairs, when they would get hold. Every obstacle they could devise was placed in the way of the gover-

nor and his advisers, and no artifice left untried to make them odious in the eyes of the habitants. Grievances were hatched by the dozen. Whoever had a complaint to make against an English-speaking official was invited to lay it before the assembly, and payment made for his loss of time in doing so. Even the judges were not exempt. They were described as minions of the governor, who gave judgment according to his instructions and not according to law. The crown of all their grievances, was the complaint of the assembly that they were denied power to organize a court which would try and sentence the officials they impeached. For thirty years the assembly and the executive were in open strife. There were periods of truce, as during Prevost and Kempt's terms of office; the one demanding the other refusing, the one thwarting the other, and all the while hatred increasing between the two races. The distrust which still exists between French and English is a continuance of the feeling of this unhappy period, for the evidence goes to show that until the fatal gift of a legislative assembly there was no open enmity between the two races.

The sort of members who made up that assembly should be understood. The pall of ignorance that overhung the parishes when they passed under British rule had in no degree been lifted. In 1801 a well-meant attempt was made to establish a system of elementary schools. It was defeated by the priests. Unless given control of the schools they would prevent their people attending them, and so the plan came, so far as the habitants

were concerned, to naught. The revenue derived from the Jesuit estates was available for such a purpose and that from the seignior of Montreal could also be brought in, so that there was no financial difficulty in giving the province a school system. The obstacle in the way of teaching the children of the habitants to read and write was the priests, who took the stand that the education of their people must be left in their hands. To this the British authorities would not consent, and up to 1830, so far as schools were concerned, the parishes were as Montcalm had left them. The habitant's childlike ignorance of the world outside his own province, his utter unconsciousness of the nature of public affairs, excited the surprise of every visitor. There was no cause for surprise. For generations he had been confined to a secluded part of the world, outside the community of other nations; with the one country to the south of him, that bordered his own, he had been prevented, by brutal penalties, from having intercourse. What he knew of other countries and peoples was what his priest chose to tell him or what he heard from some stray soldier of Old France. For centuries he and his fathers had been taught they were the creatures of their king, that it was their duty to obey him and give their services whenever he called upon them. Of self-government they had no conception. Of the British constitution they knew less than of the Roman decretals. It was their king's province to govern, that of the priest to tell them what to believe. Take such a people, confined to a hermit corner of the

earth, trained generation after generation by priest and ruler to blind obedience to throne and church, and it is no matter for surprise that an acute observer so late as 1840 described the ignorance and credulity of the habitant as unbounded, so that he had ceased to wonder they became the victims of the agitators who stirred up rebellion. The marvel is that the habitant retained, under such a system of repression, his brightness of apprehension, his liveliness of spirit. Only the happy genius of a superior race had preserved him from sinking into the apathy, the sullenness of the Russian serf. To offer to a people so long hemmed in from the world around, in whose natures had been engrained the lesson that they were born to be ruled, the splendid boon of self-government was folly, for they neither comprehended it nor knew how to use it. The few educated men in the province, however, saw in it their opportunity to obtain an unlooked-for voice in the government of the province and the priests a means of benefitting their church. In the first assembly were a few of the habitant class who were incapable of taking part. Had it been otherwise, had an assembly of habitants been constituted, with their deference for authority, the governors might possibly have been able to make the act of 1791 workable. Instead of habitants, the house was largely made up of lawyers and notaries, with an occasional physician, or seignior. The habitants having no political opinions, no conception, in fact, of representative government, the educated members took them in hand to instil in their minds the views they

wished them to hold. The political speech after mass became an institution, and hearing no other views, and unable to read, the habitants believed, what was told them in those Sunday orations. Here the English were at a disadvantage. They had no class equivalent to that which composed the majority of the assembly, and the few among them capable of going on the platform were ignorant of French. The consequence was that for over forty years a propaganda hostile to British interests was carried on without check. The English, altho they knew what was going on in the parishes, were unable to have their side of the case represented. It may be remarked that to this day the habitants have never been represented in parliament by members chosen from their ranks, tho the same cause, lack of sufficiently educated men among them, does not now exist. They are still, as in the days of Craig and Dalhousie, represented by deputies drawn from the professional class, and the Dominion has the views of that class thrust upon it as the voice of Quebec, to whose votes they owe their seats, but of a class distinct and widely different from their constituents, a class of which no other province has its counterpart—men educated in clerical colleges and who, no matter what profession they choose, expect to figure in public life. It is from this select class the habitants receive their political teaching. This fact, that the representatives of the habitants have always been and are to this day, drawn from a distinct caste, is not given the weight it deserves. The word caste is used advisedly. A bright

boy appears. The priest advises his being sent to college. The training of these colleges destroys individuality. Their being residential makes this possible. Cut off from outside intercourse, taught by priests, directed by priests, constantly associated with priests, the lad imbibes their views. The first object of these colleges, as is stated in their announcements, is to make the student a good Catholic. The course of study is not of the nature to develop his mind by broadening it, nor are the books he is allowed to read calculated to expand it by conveying knowledge from every quarter. He leaves college with an apprehension sharpened by prolonged study of scholastic philosophy, with a careful training in rhetoric, and, above all, with an implicit faith in the authority of his church. None are more acute in analysis, none more ready or eloquent in speech than the average graduate of these clerical institutions, yet none more narrow, taught to measure by the standard of creed, and none in whom the noble thirst for truth, seeking to gratify it untrammelled and uncoerced, is less manifest. Thru the students she sends from these seminaries Rome rules Quebec, and may, as she is now doing, continue to rule the Dominion. What was it the members of this caste instilled into the minds of the habitants during the period under consideration? First, that Quebec belonged to them as the children of the soil; second, that it would be an easy task to drive out the English. The governor and his subordinates were depicted as brutal tyrants, who hated everything French and Catholic, who were

trampling on the laws in order to plunder and oppress, and these assertions were supported by alleged acts, many not having even a semblance of truth. The object the habitant was to keep in view was the downfall of this corrupt and tyrannical administration, to be replaced by la nation canadienne, whose purpose would be to preserve the religion, language, laws, and usages, which they persuaded them were threatened with immediate destruction. To overthrow this system of tyranny, the habitants were assured, by their great numbers, they could do without difficulty. The habitants were made to believe Britain was in her decrepitude, that her strength on this continent was so feeble that all that was needed was a united and simultaneous rush to drive out every vestige of English rule and place the children of the soil in power. The habitants believed this and the belief strengthened with time, until smashed by the experience of the rising in 1837. Against the many unfortunate results that flowed from that revolt, there was, at least, one good effect, it shattered the delusion that had overspread the parishes, that the strength of Britain had become so contemptible that they ran no risk in defying it.

In their leaders the French had the advantage. The English had no men to compare in ability, fertility of resource, or persistence to Vigor, Cuvillier, and Papineau. The last dominated. Justice has not been done that remarkable man. To dismiss him as a demagogue who played on the string of racial hate, is to misrepresent him. He stands the foremost man of his race in intellect and

independence of thought. Had he not made the mistake of consenting to an armed rising, he would have led in the emancipation of the habitant from the despotism of the priests. In him was centred the aspiration of a French Canadian republic, and let the English Canadian put himself in Papineau's place and see if he can blame him. It was no compliment to his political sagacity to suppose that such a republic was possible—it was to his honor as a Frenchman that he should have striven to regain what his fathers had lost. As a sincere believer in the republican form of government, the administration at Quebec was objectionable to him as representing royalty. His views he thus expressed: "The 'people of this country are preparing themselves for a future 'state of political existence, which 'I trust will be neither a monarchy nor an aristocracy. I 'hope Providence has not in view 'for my country a future so dark 'as that it should be the means of 'planting royalty in America, 'near a country so grand as the 'United States. I hope for the 'future, America will give republics to Europe."

There was little in the conduct of the ruling-class of his early days to recommend royalty, for several of the governors reflected no honor on the throne they represented and were surrounded by a clique of office-holders who for greed, indolence, superciliousness, and ignorant contempt of the French deserved much of what Papineau said of them. Worse than all, there was dishonesty in handling the public monies. The term "hureaucrat" represented to the mind of the habitant for many a year all that

was bad. No one who, has English blood in his veins can look on certain of the officials and judges of the period preceding the union of 1841 without a feeling of shame. The gentlemen who at their dinner-tables befuddled what brains they had by drinking confusion to Papineau and the French would have served their king and their race by giving Papineau no occasion for the complaints he was constantly sending to London. Their private characters did not command the respect of the French, who watched them with envious eyes: there was less in their conduct of public affairs to commend to them English rule.

In the movement looking to Quebec's independence, the French had some assistance from the English population. There then appeared the forerunners of a type of politician the Dominion knows well, who thought they could use French influence for their personal advancement, of whom Stuart is an example. Then there were men who had been Radicals in the Old Country, and who resented the high-handed acts and dishonesty of those in office in Quebec, siding with Papineau on this score, of whom Neilson was prominent. The number of these English-speaking sympathizers was minute, however, compared with those who wished to see Quebec made a State of the American Union. Up to about 1830 the English-speaking population of the province was largely composed of native-born Americans, and, in Montreal, especially, there was a wealthy colony of them. Firm in the belief that an independent French republic would be found impossible, the Americans support-

ed Papineau, in the expectation that the result of the agitation he headed would be annexation. The most prominent man in this class was Nelson.

While the official class were no honor to the crown there were two sections of the English who did the land of their origin credit. There was, first, the mercantile. Merchants from the Thames, the Mersey, and the Clyde developed a trade that, by 1820, each spring whitened the St. Lawrence with the sails of hundreds of ships, and its commerce rose from nothing to be counted by millions of dollars. The second were the immigrants who sought out land, enriching the country not only by their labor but more by their example in introducing among the French a higher type of farming. It was the Montreal merchants and the Ulster and Scottish farmers who preserved Quebec to Britain in 1837-8. The wealth and influence of the first and the sturdy resistance of the second, were rocks that could not be swept aside.

The growth of the English settlements along the frontier was such that, in 1825, it was computed their assessable property outvalued that of the parishes between them and the river, yet progressive and important as they were, to them the advantages of governmental institutions were denied. The assembly treated them as intruders who were not to be recognized. Petitions for aid to open roads, for registry offices, for courts, were ignored. Most striking of all refusals was that of representation. The patriots who were declaiming as to their inherent rights from being British subjects, who were constantly quoting authors

on the constitution, and who grew eloquent over the examples of Hampden and Russell, peremptorily refused to admit representatives from the new settlements.

Governor after governor pointed out the injustice thus done and in vain. No more English-speaking members were wanted in the assembly. When, for very shame's sake and when it became advisable to keep up appearances with the home government, representation was granted, it was done in a way that gave the votes of the new members no weight. In 1823 the assembly offered to allot five members to the Eastern Townships on condition that the number of French members be increased by a score. The council declined the magnanimous offer, and the townships continued to be unrepresented. This in itself proves the hollowness of the pretension that the movement headed by Papineau was to redress constitutional grievances. No violation of the principle of self-government is comparable to denying an important section of the population a voice in the government. The men who were denouncing a succession of governors as tyrants who were depriving them of their constitutional rights, were at the very time refusing the barest recognition to 80,000 residents of the province. And for what reason? Because they were ignorant, because they were disloyal? Not at all: the reverse was the truth. The franchise was denied these eighty thousand of thrifty, intelligent, well-living people because, if representatives from them were admitted into the assembly, their presence would militate against the plan of making Quebec a nation Canadienne. In a British

colony, a large body of people were denied representation simply because they were not French. The settlers expressed it in a petition to the crown, that representation in the assembly would have been given them "had not their language and descent been British." Of greater immediate importance was the refusal to give them the legal institutions requisite for the preservation of the rights of person and property. They could get no courts. The consequence was that an unscrupulous man who wished to wrong another could institute an action in Quebec, Three Rivers, or Montreal, and force the defendant either to make a journey thru the forest of a hundred miles or more or submit to judgment by default. If he chose to brave the cost and fatigue of the journey he found, on entering the court, that his case would be tried according to French law, probably by a French judge. No complaint was more reasonable than that of the French, after the conquest, that they were made subject to laws with which they were unacquainted and tried in a language they did not understand, and it had more weight in inducing members of the house of commons to vote for restoring the custom of Paris than anything else. The sons of the people who made that complaint, and who had rejoiced when a British parliament set aside English law to meet their views, showed not the slightest consideration when asked to right an exactly similar wrong. The English settlers complained of being made "subject to French laws of which they know nothing, compiled in a language with which they are

"unacquainted" and those who controlled the assembly mocked their complaint. The very act which revived French law specified that it "should not extend to lands granted in free and common soccage." In defiance of that condition, on which the French had obtained their request in 1774, the French, fifty years afterwards, did their utmost to force French law on the settlers in the townships. The mercy they had asked and obtained they would not show.

Of all the French laws the English settlers were most vexed by that which gave force to a mortgage passed before a notary without making it of public record. A settler would buy a lot of land, receive a deed, go on and improve the land, to be suddenly surprised by a stranger claiming possession, producing a mortgage executed before a notary living in a distant parish. Scores of immigrants lost their little capital and a year or more of hard work in this way. The demand of the English was, that registry offices be established, where all hypothecs be recorded, so that a search would show whether a clear deed could be obtained. This request was resisted as an innovation on French law, and it was several years before authority was obtained to establish a registry-office at Sherbrooke, and mortgages not recorded held to be only common obligations.

The perplexity of each succeeding governor as to how to carry on the business of the province kept increasing. Having control of the provincial revenue, the assembly used their power to make government impossible. They withheld the salaries of those in

public employ, even the pitiful allowances to help the teachers in the English settlements, and refused grants for roads and bridges, immigration and the administration of justice. That government be carried on and the public credit maintained, governors had to draw on the crown, and their doing so was made a fresh grievance by the assembly and so recorded in its journal.

Those who consider these times by the conditions of to-day wonder at Papineau's belief that he could wrest independence by constitutional means. There is no comparison between the situation of eighty years ago and that which exists. Ontario was just struggling into existence, a string of thin settlements along its water fronts, whose existence was dependent on the use of the St. Lawrence as their channel of supply and export. Its population was not half of that of Quebec, and its political influence in London was almost nil. When Canada was mentioned in the house of commons, it was Quebec that loomed before the minds of members, and of Quebec and its affairs these members had come to be heartily sick. To get rid of its perplexing problems of race and creed, of its incessant complaints, agitations, and demands, many members were ready to vote to let Quebec go its own way. Then, there was the financial consideration. Quebec had been a drain on the Imperial treasury from its first occupation. Instead of lessening, the votes asked yearly for Quebec kept growing, and to Britain, at that time, suffering from bad trade and financial depression, stoppage of this expenditure was of vital consequence. In the

house of commons, Huskisson, well qualified to speak from having been secretary for the colonies, recognized the gravity of the situation by replying to those who favored dropping Quebec: He would not have done so, had they not been influential in number and position. He tacitly acknowledged it would save much trouble to Britain to let Quebec go, but asked could they in justice to those of their fellow-subjects of English speech who were faithful to their allegiance and whose good conduct gave them a claim to the protection of Britain? Here lay the crux of the difficulty—to yield to the demands of the assembly for complete control of the province of Quebec meant the abandonment of the English settlers, whose quiet, prosperous and contented condition stood out so markedly against the restless clamor of the French agitators, who were using constitutional cries to overthrow the constitution, and affecting a zeal for the crown to get into a position that would enable them to repudiate it. Supposing Dalhousie had recognized the election of Papineau as speaker, that he had consented to the assembly having entire control of the civil service and judiciary, that he had given up control of the crown lands and the crown funds and transferred both to the assembly, that he had promised to veto no measure passed by a two-thirds majority, and undertaken that the Imperial parliament pass no bill affecting Quebec without the assembly's concurrence, what would have resulted? Would Quebec to-day be British, or, more momentous consideration, would that vast territory that lies west of it, and



to which Quebec is the gateway, be British? Would Papineau and his confreres, who denied representation to the English settlements of Quebec, who withheld from them all the institutions that secure property and public order, who opposed building roads that would give them access to the St. Lawrence, who placed every possible obstacle in the way of immigration from the United Kingdom, and of the land being granted to others than their own countrymen, have taken the steps that have led to the making of Ontario and the great provinces west of it? Strange to say, the men who preserved Canada as the seat on the North American continent of British institutions, it is the fashion to adjudge as arbitrary, overriders of the constitution, while their opponents are lauded as patriots, and are spoken of as the authors of the liberties we enjoy. Consideration of the intentions of the party represented by Papineau and of the class represented by Dalhousie will correct many grievous mistakes in the popular mind regarding Quebec history. The one aimed at the formation of la nation canadienne, the other sought to reproduce on Canadian soil all that was good in Britain. The great service rendered by what was known up to 1840 as the British party in Quebec, in rendering possible the Canada we know, will yet be acknowledged.

Abandonment of Quebec being barred, the home authorities had to consider what device they should adopt to end the deadlock. The most plausible suggestion was dividing and portioning the province. It was suggested that the island of Montreal be

annexed to Ontario, thus giving that province what it was then in urgent need of a seaport. Another proposal was, that the island of Montreal and all of Quebec that lies south and west of it, including the Eastern Townships, be formed into a new province. A third suggestion was, that Bonaventure and Gaspé be given to New Brunswick, and the Magdalen islands to Prince Edward island. All these proposals were based on the principle that the divisive courses of Quebec could either be controlled by the presence of a majority of English or made harmless by keeping the French by themselves. The device was a cowardly evasion of the difficulty; an unjust overbearing of the will of the French. The crisis was due not to their being denied the rights of British subjects, but to their seeking to be other than British subjects. Had they been content with the rights and privileges of British subjects, they would have lived as quietly as the settlers of Bedford and Huntingdon. Seeing it was their strivings to erase all England had effected that was the cause of trouble, the straightforward course was to grapple with the situation by repealing the Quebec and Canada acts, thus wiping out all special privileges and making the province again a crown colony, organizing a thuro system of secular education in every parish, and awaiting the time when the habitants would be capable of being entrusted with self-governing institutions. The deputation sent by the assembly laid before the house of commons petitions signed by eighty-seven thousand against union with Ontario. Out of that number seventy-six thou-

sand signed by making a mark. That one palpable fact, speaking more forcibly from the table of the house, where the petition lay, than words could of the ignorance that prevailed, ought to have convinced parliament of the state of affairs that prevailed in Quebec, a solid mass of ignorant people, dominated by their priests, and, with their consent, left to be manipulated by agitators. The debates that ensued showed ministers the bill they had prepared to join Quebec to Ontario would not carry. The agitation over the first reform bill was then at white heat, and with the air full of shouts for constitutional rights and for the abolition of hereditary abuses, it was useless to attempt to convince the opposition that Dalhousie's course was justified by the conditions he had to face. The bill was not submitted. Had it become law it is doubtful if it would have prevented the rising of 1837. Events were now allowed to drift, and speedily ended in an open rupture between the assembly and the executive. The leaders of the assembly became defiant, the governors resolute in resisting, confident that, if a rising were attempted, it would fail. Their confidence was not based on the military force available, for it was small, but on an understanding that had been come to with the head of the Catholic church. Bishop Plessis encouraged and aided the movement headed by Papineau, but his successor discovered, that in the interests of his church, there would have to be a change. There was, owing to increase of population, need for the appointment of two more bishops. The government refused its sanction to create

dioceses. Then, in the proposed union bill, Bishop Panet had found there were provisions for putting into force the slumbering power of the crown in nominating the bishop and presenting cures to parishes. Back of all this, he had information of a proposal to carry into effect the confiscation of the seigniorship of the island of Montreal, and use its funds for crown purposes. The bishop was alarmed. What was the cause of *la nation canadienne* compared with the interests of Rome? The church came first. The governor was approached, the bishop seeing an opportunity for making a bargain. If the government would agree to leave the seigniorship of Montreal in the hands of the seminary of St. Sulpice, if it would give its consent to the appointment of a bishop for Montreal, if it would give civil powers to new canonical parishes, if it would drop the clauses in the drafted union act, the influence of the priesthood would be won over. An understanding between the bishop and the governor was arrived at. The change of attitude of the priests was quickly perceived by Papineau. They had encouraged him in the agitation so long as it suited them, and now they had made a bargain at his expense. He resented their betrayal with all the ardor of his enthusiastic temperament. The bureaucrats, he now told his followers, were not the only class to be dealt with. When the English were got rid of, there were black gowns to be clipped and there were tithes to be reduced.

In 1831, when a petition from the assembly was presented to him, Lord Sherbrooke asked if they had included all their griev-

ances, was there not something behind they were concealing; would they not be candid and tell all? The something they were concealing it was not yet time to avow, but what that something was had become palpable to the most unobservant. It was asked that all revenues, no matter how derived, be placed in the hands of the assembly, that it have control of all officials, including judges, that the management of the militia be given over to it by the governor, that the legislative council be made elective and, then came Papineau's crowning proposal that the governor be elected. All this involved severance from Britain and in a province where the overwhelming majority of the inhabitants were French, it meant a French government. Would it be just to the thousands of English-speaking farmers who had settled in the province, or to the merchants who had invested their capital in its trade, to abandon them to the rule of such a government? Would it be just to the people of Ontario, and to the territory west of it, to place the only outlet they had to the Atlantic under the control of such a government? When the issue had become thus clear, many who had hitherto sided with the majority fell out. The first to drop away were the few English-speaking radicals who had supported Papineau. Neilson, the Scotch printer, who had, to the serious injury of his business, stood by him thru thick and thin, now convinced that it was not constitutional reform that had animated Papineau, withdrew from him. The Irish Roman Catholics, having no wish to live in a French republic, refused

their countenance any longer. French business men in the cities, seeing that loss of property might ensue, signed loyal addresses. Acting under instructions from England every governor after Dalhousie strove to win over the disaffected. Abuses in administration were remedied, every request compatible with a continuance of British rule complied with. Kempt, a childish, simple-minded man, despite all he did to propitiate, declared when the assembly was in session he felt as if sitting on a barrel of gunpowder. Papineau was offered a seat in the council that he might see it was not the assemblage of tyrants he described to the habitants. Aylmer openly curried favor with the bishop. Increase of population had compelled the old parishes to be divided in order that no cure have a flock too large to minister to. The habitants of these new parishes could not understand how, in secular affairs, they were held to be inhabitants of the old parish, and there was confusion in deeds and social misunderstandings. To end this Aylmer agreed to what his predecessors refused, who, indeed, had challenged the right of the bishop to erect canonical parishes. A bill was submitted to the assembly to legalize these new parishes and recognize them as parishes for civil purposes also. The bill contained no provision for parishes that might in future be erected by the bishop, it simply dealt with the parishes that were in existence at the date of the passage, and when the commissioners had defined the new parishes and they were proclaimed civil parishes, the act expired. Despite this limitation, the measure had a

deep bearing on future legislation, inasmuch as it made British law an accompaniment of ecclesiastical power, the civil giving force and efficacy to the ecclesiastical, the combination that has wrought harm to the Protestant farmers.

The British party considered the policy of conciliation had been carried too far and were loud in denouncing the governors, whom they blamed for currying to the church and Papineau. That party comprised a number of as blatant humbugs as ever embarrassed a government. They had a monopoly of all loyalty and knew just what ought to be done. The British bayonet, sir, and the hangman's rope was their prescription, and so these loud-voiced men went on from day to day disgracing the English name and making the situation worse than there was need for, and the task of the governor of the day more difficult. Behind these blusterers stood the solid worth of the township farmers and the mercantile class, the true British party, silent yet ready, patient yet resolute.

It is of the nature of all agitations, that when they reach a certain degree of impetus, the leaders lose control, and instead of guiding are driven. It was so with Papineau. He had to go on. Casting aside all pretences about the constitution, he formally repudiated allegiance to Britain and declared his intention of forming an independent state to be under the protection of the great republic to the south. In order to strike the nation of shopkeepers in their vital part, the use of all goods of British make was to be shunned and only those of home production or that

had been smuggled from the States, were to be bought. The smuggling of goods from the United States was declared to be perfectly honorable. The few statutes passed by the Imperial parliament, such as the tenures bill, were declared of non-effect. Steps were taken to organize local courts with judges elected by the people, a military organization was outlined, and a tax was levied to pay expenses, under the name of Papineau tribute. All this was possible everywhere outside the townships, and the creation of an independent government went on without hindrance in the parishes which were exclusively French. The meetings were held on Sunday at the church-doors after mass, and were so enthusiastic and unanimous, that the habitants believed their purpose was achieved, and all that was needed was a combined effort, on a set day, to drive out the English bureaucrats. It was an anxious time for those in office at Quebec and Montreal, and had it not been for the secret understanding with the bishops there would have been more cause for anxiety, for the aid of the church was better than a reinforcement of a dozen regiments. Of what was passing in the parishes the authorities had full and accurate information, so that where danger menaced they knew how to meet it. A secret rising was now as impossible as a united one, and without a united rising there was not a ghost of success. Papineau knew the church had turned dead against him, yet so confident was he that the province was under his control he gave little weight to the circumstance and continued in the belief that,

once he gave the signal, there would be simultaneous risings from Gaspé to Soulanges. He gave the signal. There was a sputtering response from a few localities only, and these confined to the vicinity of Montreal. Baffled in the aspirations of a lifetime by the priests, he fled to the United States. To add to the bitterness of his cup, there was an episode which showed him what might have been. The priest of St. Eustache was a rare exception to his class, for he was a Frenchman first, a Catholic afterwards. He dared to disobey the order of his bishop, rallied his people, and led them in fight. Had other priests done likewise, Papineau would have been the first president of the republic of Quebec, for Colborne, in the face of a general rising, would have been helpless. He had only 5000 soldiers to grapple with 400,000 people. When, after 8 years' exile, Papineau returned he had no use for the priest.

The government, believing all danger was past, dealt leniently with the defeated. After a brief term in jail, even leaders were allowed to go home. The anxiety on the part of the authorities to conciliate, to let bygones be bygones, was so apparent that the ignorant among the disaffected attributed the course taken to fear and weakness. Several of those let go at once began to plot for a second rising. In this they were encouraged by their compatriots who had fled to the United States, and who, received with open arms by the Americans, sent word they would get substantial support from their new-found friends. From Ogdensburg to Derby Line a secret society was organized to assist

with men and arms a second rebellion. The secret was so well kept that the authorities were unaware of what was going on until the eve of the outbreak, which had been fixed for the 3rd November, 1838. On the evening of that day, the habitants who were in the plot assembled in groups and began a house to house visitation of the English-speaking farmers. Doors were burst in and the men of the family, often found in bed, taken prisoners and marched to some chosen central point. Not all were taken prisoners; a Yorkshireman who resisted was murdered. Next morning the habitants organized to advance on the English settlements too large to be dealt with by surprise. The rising was not general, and was confined to the territory lying between Champlain and the St. Lawrence, where the English-speaking settlers were mostly Scotch or Ulster Irish, and who rallied at once to meet the advancing habitants, who hesitated, fell back, and instead of attacking, took up the defensive. There were isolated skirmishes, invariably ending in the flight of the deluded habitants. The chief stand was made at the head of the Richelieu. There the habitants gathered, awaiting the arrival of the body of Americans who had promised to come and help them. When scarce three-score had come, and they were waiting for the arrival of more, a combined body of Irish Protestants and Catholics, with a few Scots, appeared and at once charged them. The habitants and their American sympathizers fled across the border, which was close behind them, leaving nine dead. The best showing was

made at a small village north of where this skirmish took place. There several hundred habitants assembled and had everything their own way for nigh a week. A constitution was adopted, the State of Lower Canada was duly proclaimed as a free and independent republic, with Dr Nelson as interim president. There was a great parade when the flag of the new republic, white with two blue stars, was hoisted on the village flagpole, and saluted amid shouts and firing of muskets. Two officers from old France drilled the habitants, who were armed with rifles received from the United States. Hearing that a body of English-speaking farmers were posted in a stone church not far distant, it was resolved to rout them and then capture St. Johns. Out from Lacolle marched 1200 habitants, of whom at least 800 had muskets, the others pikes. Unawed by the approaching host, the 60 men who had crowded inside the little Methodist church, and the 150 behind such cover as the graveyard afforded, prepared for fight. A memorable struggle ensued. For

two hours the little band held their own, when, hearing a report of an approaching reinforcement, panic seized the habitants, who disappeared.

The second rebellion was over. I have narrated its leading features at some length, because it was put down by the English-speaking farmers, unaided by regular troops. Those who hold the rebellion in Quebec of 1837-8 was, like that of Ontario, a struggle for constitutional freedom, have to account for Scotch radicals, many of whom had fled to Canada to escape prosecution, having been foremost in fighting the habitants. As Lord Sydenham wrote in 1840, the people of Ontario "quarreled for realities, for political opinions, but in Quebec there is no such thing as political opinion—they have only one feeling, a hatred of "race." The rebellion was the climax of a prolonged effort by the French to regain control of a province which had once been theirs, which had been taken from them by violence, and to establish it as an independent republic. It was that, and nothing else.

## CHAPTER 10

The terms on which the church of Rome agreed to assist in defeating Papineau and his associates included recognition of the division of the province into two dioceses, Quebec and Montreal, with L'Artigue as bishop of Montreal, bestowing on the bishops authority to create new parishes and re-arrange old ones, and to give to the Sulpicians the three seigniories they owned before the conquest. Sir John Colborne honorably carried out the bargain. An order-in-council had recognized the new bishop, and ordinances were passed giving the desired power regarding parishes and conveying the seigniories to the Sulpicians. By a special act of the Imperial parliament the governor and council were empowered to adopt any legislation necessary to carry on the business of the country; Durham made slight use of the act, sanctioning nothing more than was absolutely required. On the other hand, Colborne, or rather those behind him, took advantage of the opportunity to pass whatever they saw fit, to enact a mass of legislation, much of it of an admirable nature and all remarkably well-drafted. There was a limitation, however, to these acts adopted by a small and irresponsible body of councillors. They only held good to the end of 1842, when it was expected the new legislature would be organized and which would re-enact what it approved in these ordinances.

At the conquest, a question that had to be settled was, What is to be done with monastic institutions? The course determined upon by Gen. Amherst at the occupation of Montreal, was that followed by the Imperial authorities for three-quarters of a century. The nuns were left as they were. The property of the male orders was taken possession of by the crown, provision being made for the maintenance of those dispossessed until their death. The rule was promptly applied to the Jesuits and Recollets, but with some forbearance to the Sulpicians, as being a teaching body, and useful to carry out Carleton's plan of a native clergy. They were, however, forbidden to receive novices, or to reinforce their numbers from abroad, so that governors considered it merely a question of time when the last of those under vows would die, when the crown would enter quietly into possession of their property. This is what happened with the Jesuit and the Recollet. The Sulpicians were saved by the French revolution. Among the refugees were members of the mother-house in Paris. Pitying their plight, they were permitted by the governor to find a home with the aged survivors of the order in Montreal. These also would have become extinct and the crown entered into possession of its long-deferred heritage, had not a second revolution rent France. The Sulpicians, alarmed by the rising

in 1830, a second time fled from Paris to Montreal, and were again permitted to take up their abode in the pleasant buildings at Montreal. All this was illegal. The Sulpician order was condemned by the Imperial law; the members representing it in Canada were all of French birth and citizenship and could not legally hold real estate. All the same, these priests of old France, expelled from their native land, given a home out of pity for their misfortunes, no sooner were fairly settled than they claimed to be owners of what legally belonged to their benefactors. To make that out, they would have had to prove that there was such a thing in English law as right of succession in monastic orders, which it would be absurd to try, so they sought their end by other means. They made friends with the agitators, and got them to take up their cause. How this came about needs a word of explanation. When Amherst took possession of Montreal it was a miserable collection of log houses, worth less than the buildings of the church which towered above them. All told, when the English passed its walls, Montreal had not three thousand inhabitants. The island was only cleared in patches, few settlers being located north of the mountain. The Sulpicians were seigniors of the island of Montreal, and drew its rents, which were small. The coming of British rule made a marvellous change. The paltry town, whose chief characteristic was its monastic institutions, became commercial. Its trade grew by leaps and bounds. It was the same outside the town limits. The crash of falling trees was heard, clearances were made,

and the influence of Scotch farming began to tell in the productiveness of crops. All this prosperity enhanced the value of the island as a seignior, and the revenue of a few hundred dollars a year grew into tens of thousands. When governors had difficulty in meeting payment of current expenses, owing to the assembly refusing to vote supplies, it was proposed the government complete the transfer of the property of the Sulpicians, and, by using its revenue for civil service salaries become independent of the assembly. Papineau, who cared naught for the Sulpicians, saw the danger to his cause of such a move, and prevented it by identifying their cause with his own, and he fiercely denounced all attempts to disturb the Sulpicians. He measured not the selfishness nor the ingratitude of these ecclesiastics. When they had profited by his exertions in the abandonment of the plan contemplated, and in course of time saw the opportunity of making friends with the government by betraying the cause Papineau represented, they did so. The price agreed on, was confirming the Sulpicians in the property they occupied. The influence of the church was suddenly thrown against Papineau and his followers, their every movement revealed to the authorities, with the result recorded in last chapter. So highly did Sir John Colborne estimate the services of the priests, that he hurried to fulfil his part of the bargain. The echoes of the rebellion had not subsided, Montreal jail was still filled with untied prisoners, when he got an ordinance-in-council passed vesting in them absolutely the estates they claimed. This ordinance the



home authorities disallowed as outside the powers of the council. However, when the first union parliament met in 1841 among the bills it passed was one conveying to the Sulpicians the property they coveted. It was valuable then, it is incomparably more valuable to-day. The advent of Protestants in Quebec while it ended its days as a purely Papal preserve, enriched the church that resented their appearance. The skill and enterprise of Protestants has made the island of Montreal the richest spot in Canada, and every square foot of it worth more than an acre when under French rule. Out of the increase of values the priests of St. Sulpice have reaped what they never earned, and are the richest corporation in the Dominion. The treasure-heaps, accumulated by monks and nuns out of the unearned increment due to the trade of Protestants in town and city, form a factor in the removal of Protestants from the rural sections.

The ordinance regarding parishes was passed at the same time. The preamble declared that it was necessary for the quiet and happiness of her majesty's Roman Catholic subjects to make permanent and efficient provision for the crection of par-

ishes. What was then enacted is still, in substance, the law in force. The act was retroactive, making valid all the bishops had done in the past.

When the new legislature met in 1841, altho among its first acts was confirmation of the ordinance conveying seigniories to the Sulpicians, it was not so ready in re-enacting the ordinance regarding parishes. A bill to do so was introduced in 1843 and not reported. Three years later it was again submitted and not proceeded with, and in 1849 it was dropped in its initial stage. It was not until Baldwin and Lafontaine were in office that the bill was hurried through without attracting attention. It declared the ordinance of 1839 valid, amended its provisions in many particulars, and, despite the limitation as to its duration, confirmed all that had been done up to the adoption of the new act. The act received the governor's assent on the 10th August, 1850, so that for nine years the bishops had been crecting parishes illegally. It is right to place the responsibility of the existence of the parish system in Quebec where it belongs. It was the help of Baldwin and his Ontario followers that restored it and gave it new life.

## CHAPTER 11

The act of 1841, uniting Ontario and Quebec, is spoken of as the result of Lord Durham's advice. The union effected by the act was not such a union as he recommended. Durham wanted complete union—a merging of the people of the two provinces into one, with one law and one administration of law, no discrimination to be allowed on account of faith or origin, but an effort to be made, so far as legislation could effect it, of assimilation by the destruction of all legal differences. This was the kernel of his plan. It was ignored by the framers of the act, who provided for a restricted union with a single, a joint legislature. It was a forced union even on that basis, resented alike by French and English. The French, knowing its purpose was to keep them in check, naturally detested it; the English of Ontario did not like an alien people having a voice in ruling them. The first meeting of the members was like a mixture of oil and water—together yet apart. That meeting took place in Kingston, the city identified with Sir John Macdonald, and to him the gathering was one of lively interest. He sketched that first meeting in his after years—the French members clustered in a group, sullen, suspicious of every proposal made in the proceedings, representing all approaches, standing

on the defensive: the English-speaking members careless of their presence, if not contemptuous. He made friends with this solid contingent, sore from recent defeat and forced into a union it was their constant study to break. When, three years later, he became a member of the assembly, he began the plan he had contemplated, that of getting into power through an alliance with them. Others besides him saw the opportunity, which was, indeed, apparent. In any assembly, a sufficient number of members who stand aloof from their fellows and are united on one purpose, can, eventually, win control. The Ontario members were split into factions, the English-speaking members from Quebec voted with whoever controlled the patronage, so it came the solid French phalanx held the balance of power. After the first election there was an appearance of division. Remembering the cause of the collapse of the rebellion, many young men who took part in it held the priest ought to have no voice in politics, and their views, advocated in two papers, *L'Avenir* and *Le Pays*, provoked those who differed into preaching absolute submission to the clergy. The one was styled in reproach at first, for it was the appellation of the revolutionists of France, by the name *rouge*, the others came to be known as *blues*.

As this difference has disappeared, the rouge of our day vying with the bleu in doing the will of Rome, it does not concern the situation of the Protestant minority. What does concern that minority is, that as a consequence of the agitation that ended in rebellion, the idea was firmly engrained in the minds of the habitants that Quebec was theirs by right and all others were intruders. Each session of the new legislature made it more plain, that the very object for which the union of the two provinces was designed to bring about—control of the priest-directed element—had been lost—and the union as a remedy for the evils it was designed to cure, was a disastrous failure. The parliamentary history of Canada between 1841 and 1867 is, in essence, a narrative of how, step by step, Quebec obtained dominance. The first notable advance was in 1848, when the Lafontaine-Baldwin administration secured the repeal of the section in the union act making English the official language. The supremacy of Quebec, however, was not absolute until Sir John Macdonald and Cartier took office on the understanding that no bill affecting Quebec should become law unless supported by a majority of its members. Such a basis of action virtually dissolved the union.

The priesthood now saw their opportunity to obtain the power they had long desired but had despaired of getting, and which they certainly never would have got but for the union of 1841. The Canada act of 1774 confined the parish system to the seigniories. The territory within which it should exist was thus definitely fixed. Wherever land was held

in fief, the priest could tax and tithe. The moment he crossed the boundary-line of a seigniority into land held in free and common socage, he could claim no more privilege than a Methodist preacher. This was galling to the hierarchy, who desired to throw the net of the parish-system over every acre of Quebec. The seigniories were overcrowded, the land had been divided and subdivided until the majority of the habitants were in poverty, yet they were in sight of unconceded lands, into which their priests would not let them go, because they would be free of the parish-system. Lord Sydenham in the summer of 1840, made a 3 days' trip up the valley of the Richelieu. Writing a friend he remarks, "The counties bordering the Richelieu were formerly 'the garden of Lower Canada, the soil rich to a degree, but they are now used up completely by the abominable mode of cultivation pursued by the habitants, and present a melancholy picture; the population rapidly increasing, and the people unwilling to quit their neighborhood and settle on new lands until actually starved out." The act of William IV. related solely to parishes in the seigniories, the ordinance passed went no further as to territory. The color of authority the bishops have for extending the sway they exercised in the seigniories is to be found in the statutes passed between 1841 and 1867. Monastic orders by the dozen received acts of incorporation, followed by grants from the public treasury under the guise of charity and education.

In any country where there is a privileged class, it necessarily

follows there must be a class that is discriminated against. There is no escaping this social law. Whatever is given to a favored portion of the population, places those who are outside of it at a disadvantage. It is a self-apparent axiom, that in any country where there is not equality of rights, there is no true freedom, for some class must be suffering wrong. To give privileges to a select few, is to do injustice to the many. Of all forms of inequality the most objectionable is singling out a particular church for special favors, because doing so is not merely repugnant to our innate sense of justice but offends the conscience. In the session of 1841 and those that followed, the members of Ontario had an opportunity of vindicating the great principle upon which freedom rests, by framing a system of government which would have given equal rights. Instead of doing so, they were false to the principles which they professed, and, for the sake of personal or party advantage sold their principles to secure the votes of delegates who held their mandate from their bishops. In the history of self-governing countries, there is nothing more disgraceful than the course pursued by the members of Ontario from 1841 to 1867.

At the conquest the church of Rome entered a condition of suffering; its next step was a power to be propitiated for the sake of the favors it could bestow. It now blossomed into supremacy. During the last 17 years of the union the bishops got what they sought and in Quebec their church was buttressed by statutes and enriched by donations by the votes of Ontario

members. One member realized the extent of the evil but failed to diagnose its cure. The remedy of George Brown, representation by population, was the old delusion in a new guise of overcoming the difficulty that arose from Quebec by force of numbers, instead of plucking the difficulty out by the roots. Had representation by population been adopted it would have failed, for it would have been found that, from their solidarity, the Quebec members would still have held the balance of power, and continued to rule Ontario. The lakelet may absorb a river but will be governed by its ebb and flow and its waters be dyed by it. Only a sea can assimilate what rolls into its bosom. There is no present prospect that the population of the Dominion will ever be so great or of such a character, that Quebec will be lost in its numbers and interests. Had Brown traced the wrongs he deplored to their source, he would have applied himself to effecting in Quebec what he helped to do in Ontario, namely, complete separation of church and state. Sandfield MacDonald's remedy, double majority, was the device of a coward. The members of each province were to decide bills affecting their respective provinces, and when there was not a majority of the members concerned in favor of such a bill, it was to be dropped, even if a majority of the united house was in its favor. When a crucial case arose, MacDonald showed the cloven foot. The Catholic bishops pressed for separate schools in Ontario. It was a bill that concerned Ontario alone, and a majority of its members voted against it. MacDonald refused

to apply his own principle to the case, and separate schools were forced on Ontario by the votes of the Quebec members.

At the core of all wrong there is an antidote. Wherever any selfish interest moulds a legislature to its will, whether a combination of manufacturers, railway projectors, or a church, the members it wins to its support become corrupt. In doing violence to their professed convictions by uniting in the purposes of the Quebec majority, the Ontario members lowered their moral standard and became self-seekers. Sir John Macdonald, tho the most careless of men about his own pecuniary advantage, knew how to win support by exercising the potent lever of self-interest. Whether in the bar-room of the house, slapping members on the back, joking and telling lewd stories, or on the floor replying to grave arguments with gestures, quirks, and jests that raised the laugh, he was master of his following. Cartier seconded him effectively by using the Quebec votes as a bludgeon to defeat opposition. His shout, "Call in the members," ended many a discussion. All went swimmingly until the venality of members turned the moral sense of Ontario against the Macdonald-Cartier combination, and its candidates could not secure re-election. Then there was a deadlock—the end of the union of 1841 had come. There was no questioning; as to the cause of the deadlock, it was admittedly the thrusting of the will of the Quebec hierarchy on Ontario. To take steps that for the future it should have no interest in what the legislature did would have been the remedy of statesmen.

The party politicians to whom the solving of the difficulty fell were intent alone in getting the machinery of the state again in motion—the Conservatives to enjoy a new lease of office, the Liberals, long shut out, were eager for a coalition, that they might share in honors and patronage. The Liberals agreed that, whatever new arrangement was made, they would leave the institutions peculiar to Quebec alone. It was accordingly agreed to copy the American system, each province to be autonomous and self-governing as regards its local affairs, with a federal house to deal with matters affecting all the provinces. There were slight compunctions as to leaving the English-speaking people of Quebec to the rule of the majority. Protests from the minority against their abandonment were treated as the expressions of bigots. It was represented on behalf of the Quebec majority that there was nothing to fear, that the Protestants would be the objects of their most considerate care. McGee scouted the idea that the Protestant minority would be in any way injured. He declared they would be the pets of the majority, the spoiled children of the new Dominion, that they would be smothered with kindness. Others, whom such gush did not blind, thought the minority could not suffer with a preponderating Protestant influence in the federal house, while there were those who looked on confederation as a temporary stage, bound to end in a legislative union. The representatives of the minority gave little opposition. Party allegiance constrained part to silence; others were bribed by pro-

mises of office. There were protests from the electors, but they were unheeded. The one danger to the eyes of many was the educational. Make our schools secure and we will go in for Confederation, was the cry of many. Sir A. T. Galt satisfied those people by getting a clause inserted that their schools were to be continued as they were and that, should any complaint arise of invasion of this provision, appeal could be made to the federal authorities. In the proposal of this clause the church of Rome saw her opportunity. If, said her representatives in the conference, we concede this, we must have equal security for the schools of the minority in Ontario. The schools of the Quebec minority were public schools, the schools of the Ontario minority were the schools of a church, there was no parallel between them, yet the demand to place them on an equality was successful, and just because the English people of Quebec prayed for protection against the possibility of having their free, open, non-sectarian schools changed into confessional schools; the price of that protection was that the people of Ontario should have fastened on them for all time the separate schools that had been, in the first place, imposed upon them by Quebec votes. They who speak of the framers of Confederation as statesmen, may take this as one instance of several, of how they were made to kiss the Papal rod.

The parliamentary debate on Confederation was, strictly speaking, not a debate. The resolutions for confederation were placed before the members to be adopted as they stood. Where amendment was impossible it

was absurd to debate. The advocates of the resolutions found opportunity to explain why they favored them, those who were not satisfied could say so without hope of changing a single word in the document they had been, in mockery, summoned to consider. Few of the speeches contained in the bulky volume which professes to report the debate were delivered. Members wrote what they would like to go on record, and, after speaking a short time, passed their MS to the reporters. In the discussion over a measure they were incompetent to amend, one true voice was raised. Col. Haultain, member for Peterboro, asked whether it was just to ignore the aversion of the Protestants residing in the townships of Quebec to confederation because it would place them at the mercy of an intolerant hierarchy. Their suspicions and fears found confirmation in the encyclical letter of the Pope which had been just received. In the syllabus, which accompanied it, of errors to be condemned, was "that emigrants to Catholic countries should have freedom of worship." He who spoke thus is the head of the controlling influence in Quebec, and the fears, therefore, of the minority were not unreasonable, when called upon to put themselves into the power of the hierarchy, for, to them, that was what confederation meant. The colonel was jeered by members who had declined committing themselves to the support of confederation until the scheme had been submitted to the Pope and received his approval. At the consecration of a church at St. Johns, Que., Cartier presented a copy of the proposed constitution to Bishop Bourget,

who considered it with his confreres, and finally sent it to the propaganda at Rome.

That the provinces could have continued much longer distinct was impossible. With separate tariffs, no method to promote intercourse between themselves, no means to combine in making representations abroad on questions jointly affecting them, or to unite in the redeeming of the northwest from savagery, a union of the provinces had to come. The pity is, it should have been accomplished at the time and with the object it immediately served. A constitutional deadlock had arisen between Quebec and Ontario, caused by the clashing of church and state, and a union of the provinces was sought to overcome it. This was merely giving longer life to an evil that would eventually have

to be radically dealt with. In copying the American plan of union, the framers of the act of 1867 did not base it upon equal rights. An article forbidding the establishment of any church in any of the provinces, would have ensured peace and permanence. The U.S. constitution carefully avoided the subject of negro slavery; doing so resulted in the greatest civil war the world has known. Those who drafted the act of confederation as carefully refrained from touching the supremacy of Rome. A generation to come will know the consequences. The commercial advantages of confederation have been great, so great that they have blinded people to the fact that it was a cowardly evasion of right, and carries in it the seeds of future trouble.

## CHAPTER 12

Confederation bestowed on Quebec substantially what Papi-neau asked. She became an independent, self-governing province having a legislature of her own; her own civil service, her own cabinet, her own governor. In every regard, outside of inter-provincial relations, she could not be held accountable. The concessions dazzled her public men who proceeded as if the glories with which imagination had invested New France were to be revived. An imitation of the court of Frontenac was established at Spencer-wood, the lieutenant-governor was styled his excellency, and there were pretensions heard and ceremonies witnessed that bespoke exultation and satisfaction. To the minority there was also a revival of epithets long unheard, and the distinction of ante-rebellion times between the children of the soil and intruders was again drawn. The assumptions of the laity were not to be compared, however, with those of the clergy. Confederation had restored to them greater plenitude of power than they had enjoyed when Louis was king and they used it to the full. Sir A. T. Galt, who speedily realized the mistake he had made in supporting confederation, in a pamphlet summarized the dangers which menaced the minority, instancing the assertion of ecclesiastical over civil authority, clerical interference with elections, placing

the ban on free speech and on the press, that divine assistance in teaching whatever touches on faith and morals descends from the Pope to bishops, priests, and religious. As a politician he had been shocked by a united condemnation on the part of the bishops of Liberalism, by priests being upheld in contested elections who had denounced individuals as guilty of a grave sin in voting for candidates who had not received their approval, and especially by a judge laying down as law that as priests belonged to a spiritual order they were above the law and beyond the jurisdiction of the courts. There were decisions recognizing canon law and burial was refused in the parish cemetery to the body of a man because he had been member of a society which had declared for the principle of religious toleration. Public men made it their boast, that their obedience to the bishops was implicit and unreserved, and, in pleading before electors, held this up as a claim for support, rival candidates competing on the hustings in depreciating each others loyalty to their church. It was a period of distressful explanations by Liberals and of exultant boastings by Conservatives. A new style of journalism was developed, which was happily characterized as more Catholic than the Pope. In this period of reactionary effervescence the

*Joseph  
E. Guibord  
Died in 1866  
while under  
censure of  
Catholic Church  
The Privy  
Council upheld  
his right to  
burial against  
the clerical  
authorities  
He was buried  
with military  
and Police  
escort on  
Nov 16th  
1875  
in the Roman*



Castors rose into prominence. A sign of the times was the annotator of the statutes putting in the marginal note, "the decrees of the Pope are binding." The subserviency of the legislature to the bishops was complete. Those parts of the public service, the care of lunatics, of those lacking in one or more of the bodily perceptions, reformatories, re-  
fuges, were handed over to nuns and monks, and free grants of money and land made to organizations of the church. They not only thus ceased to be public institutions acceptable to all classes, but passed from the control of the legislature, for, by virtue of their vows and ordination nuns and monks, professing to be of a heavenly class, resent the superintendence of laymen. A striking instance of a legislature calling itself British surrendering its sovereign and exclusive right to make laws, was shown in regard to a bill which the government had brought down to amend the education act. The archbishop sent for the premier, expressed his disapproval and indignation at its being introduced without consulting him. The bill was hastily dropped, and the promise made, which is still observed, that no measure affecting education should be introduced without being first submitted to him and obtaining his approval. The law was so changed as to place education under the control of the bishops. The council of public instruction was reconstructed so as to be composed of ecclesiastics and an equal number of laymen. As at any meeting an ecclesiastic may not attend he can send a substitute, the lay members, who have no privilege of alternates, are always in a

minority. Thus the educational system, by one fell swoop, was given into the hands of the bishops, the legislature divesting itself of what it defines in the act as part of the civil service, handing over to ecclesiastics this important function, and control of the expenditure of the public money for school and college. Additional instances could be added of the subserviency of the legislature, but all, even those of de Boucherville's government, were eclipsed in 1888. Bishop Bourget invited the general of the Jesuits to renew the tradition of his order in Canada, and, in 1842, he sent six fathers, who proceeded to establish a college in Montreal. Whoever chooses to look over a parliamentary guide will see how many members, both at Ottawa and Quebec, received their training in St. Mary's college, and will realize how deeply, thru the men imbued with its principles in that chosen spot, Jesuitism influences our politics, and shapes the destinies of the Dominion. These newly arrived Jesuits and their successors described to their pupils the confiscation of the Jesuit estates by King George, at the conquest, as an act of spoliation, and claimed compensation ought to be made. None of the scores of young men who passed thru their hands and rose high in the political world dared to propose that the Jesuits be compensated for the act of a British administration until Mercier appeared. Visiting Rome he made a proposition to the general of the order of the Jesuits, which he afterwards submitted to the Pope, who ratified it. On the assembling of the legislature he introduced a resolution to pay out of the public funds \$460,000 as compensation to the

order for the estates the crown had declared public property more than a century before, together with a portion of the seignior of Laprairie. The resolution was adopted and the bill founded upon it passed. To none of the guarantees for the rights of the minority, which he got inserted in the act of Confederation, did Sir A. T. Galt attach the same weight as that of appeal to the federal parliament, which he described as their real palladium. It was now to be tested. The principle involved there was no mistaking—Was it lawful for the Quebec legislature to tax Protestants to make a present to the Jesuit society? An appeal was made to Ottawa to veto what had been done at Quebec. The appeal was rejected by 188 to 13. The money was paid, the land transferred, and the delusion about guarantees shattered.

In the pamphlet in which Galt laid so much stress on the value of the guarantee embodied in the privilege of appeal to Ottawa, he remarked on the rapid decline of the political influence of the minority. Writing only nine years after Confederation, he pointed out that in only two of the constituencies always regarded as English could a candidate be elected independent of the Catholic vote. The change was due to the extraordinary activity shown by the priesthood in planting Catholic colonies in the townships, with assistance given out of the government chest under the guise of repatriation. The Papal Zouaves were rewarded by a block of township land. In self-defence, leading men of Sherbrooke moved to encourage immigrants from the British Isles. How the attempt fared,

may be judged by the experience of a company that had an option on a large tract of land in Compton. They applied for an act of incorporation. The premier, Chapleau, told them their representative bill would not be allowed to pass unless the company consented to select Frenchmen as half of their prospective settlers. Missions were established in settlements where no priest had ever been. The nucleus gathered grew into congregations large enough to warrant the mission being erected into a parish, and before confederation had been in force 25 years the townships were dotted with costly parish churches, convents, and colleges. There were a few Irish Catholic congregations, who had supported their priest and built their churches by voluntary contributions. On being required to pay tithe and building-tax they resisted. Their appeals to the courts were futile: proof being led that their farms formed part of a parish proclaimed by the lieutenant-governor, judgment was given against them. Eventually these parishes were reduced to the level of those surrounding them, by substituting French priests for their Irish pastors. The Irish Catholics also resisted the introduction of separate-schools. Their children had for two generations gone to the same school, as their Protestant neighbors, but their resistance was in vain. Once started, the exodus of the English-speaking farmers went on in an increasing ratio. The fewer left in a concession, the more constrained were those who remained to follow. The beginning of the century found them outnumbered in every county south of

the St. Lawrence where, thirty years before, they were in a majority, and with their smaller numbers came decline in political influence. The class of Protestants who got appointments or were chosen as representatives were of the kind who answered the purposes of the bishops better than the aspirants from their own colleges. The High Priest did not select a betrayer from among the orthodox.

From all purely farming countries there must necessarily be a constant passing-away of youth. To get farms the young men have to go where land is still to be had free or at a cheap rate. Then there is always a class eager for change, ready to abandon the homestead and go where they believe conditions are better. Account also must be taken of the drift from the country to the city. These causes explain many departures from the townships but after allowing for them, there is the undeniable fact that a large proportion of the changes are compulsory; that the old stock is being driven away. Had conditions remained as they were in 1850, or even seventeen years later, the farms of the townships would have remained in English hands.

The prime cause of the ejection of Protestants from the land is the parish system. This book has been written in vain if it has not demonstrated that the extension of that system to the townships is a tyrannical invasion of free territory, a defiance of royal proclamation and imperial statute; in one word, a usurpation. Consider what that system means to the English farmer. So long as a farm is owned by a Protestant the priest

can levy no tithe; his trustees no building-tax. The moment it is sold to a Catholic, the priest draws tithe and the church-wardens dues. See the motive here held out, apart from their religious or national consideration, to get the Protestant pushed aside! The patents issued by the crown for the lands held in the townships read thus—

"Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, . . . have granted to John Doe the parcel of land herein described . . . to have and to hold . . . forever in free and common soccage, by fealty only, in like manner as lands are holden in free and common soccage in that part of Great Britain called England."

These deeds were signed for the Queen by the governor then in office, and they read the same from the time of George III. If language means anything, surely these deeds are conveyances to the farmer on the same conditions as if the land they specify was situated in England. Is land in England subject to be taxed by the Roman Catholic priesthood? If not, how can it be in the townships of Quebec? Is the transfer from the crown not clear as to there being no ulterior condition? Can it be pretended, that the sovereign ever recognized that the Papal representatives in Quebec had a latent claim by which, some day, they could tithe and tax? Was the grant made with a servitude to Rome or as a free grant from a British sovereign to a British subject? Who ever considers the matter solely from reading the deeds by which the crown granted, or sold, the farms in the townships of Que-

bec, can come to no other conclusion than that it was free land with no encumbrance or servitude. That was undeniably the intention of the British government, for, in the act of 1774, which restored French law within the seigniories, it is expressly stated—

“Nothing in this act contained shall extend, or be construed to extend, to any lands that have been, or hereafter shall be granted by his majesty, his heirs and successors, to be holden in free and common soccage.”

This law has never been repealed and stands as much in force to-day as any other section of the act. If that section is not valid, is not now the law of the land, then neither is section 8, which Rome considers the legal bulwark of her privileges. There never was a clearer case of defiance of an Imperial statute than the erecting of parishes in the townships. When the agitation led by Papineau reached the point that the Imperial parliament appointed a select committee to take evidence as to the alleged grievances, Viger was called and gave much evidence as to the working of the tenures act, which formed part of his complaint. The committee, which included several eminent lawyers, in their report spoke thus on this head—

“To the provision in the act of 1774, providing that in all matters of controversy relating to property and civil rights . . . be determined agreeably to the laws and customs of Lower Canada, there is a marked exception to this concession of French law, namely, that it shall not apply to lands which had been or should be granted in free and common soccage.”

The report was adopted by the house of commons. It proves that, 54 years after the Quebec act was passed, when the townships had been erected and many of them thickly populated, the Imperial parliament placed the interpretation of the Quebec act that section eight no more applied to them than it did to Ontario. John J. McCord was appointed Judge for the townships 1842, and from his close association with them knew their condition and circumstances thoroughly. In the spring of 1854 a case was brought before him, by the priest of Milton, in the St. Hyacinthe circuit court, of a habitant who refused to pay tithes because his farm was township, not fief land, that his tenure was free and common soccage, not seigniorial. The Judge upheld the plea. The only authority for tithes, said Judge McCord, was the Quebec act, which restricted them to seigniorial land. The conclusion of the judge was, that such being “the present state of the law of the country, and there being a positive prohibition to the extension of the right of tithes to land held in free and common soccage, I am bound to maintain” defendant’s plea. (See appendix D). The law is the same now as in 1854, but the judges are not the same. That summer the legislature passed the act abolishing clergy reserves, because of the reason that it is “Desirable to remove all semblance of connection between church and state.” This merely reaffirmed the declaration of the rectories act, which laid down legal equality among all religious denominations. (See appendix E). The statutes of the united province have other passages of like

nature. Thus Vic. 14-15, regarding the Catholic diocese of Montreal, a section reads, "Nothing in this act shall be construed to extend, or in any manner confer, any spiritual jurisdiction or ecclesiastical rights whatsoever upon any bishop or other ecclesiastical person."

Seeing section 9 of the Quebec act has not been repealed, and no statute can be quoted repealing it, How comes it that Rome has extended the parish system to the townships? How comes it that she is levying her tributes on a single acre outside fief lands? As well ask, How did she go on exercising the powers given her by the ordinance of 1839 during nine years after it had lapsed? Holding the balance of political influence, public men dare not challenge what she does. There has been so far only one Doutré.

It is a loose way of speaking with many to say it is the educational difficulty that drives the Protestant farmers away. The primal cause is the parish system, of which separate schools are merely a consequence. Had Sir A. T. Galt, when acting as representative of the Quebec minority in the framing of confederation, instead of asking guarantees for schools, simply demanded that the parish system be confined to the limits defined in the Quebec act, nothing more would have been necessary, for if Rome could not levy taxes to build churches and parsonages and tithes to support priests, it would have had no more interest to bring its forces to bear in expelling the Protestant farmer from the townships of Quebec than it has in meddling with the farmers across the line in Ver-

mont and New York state. I am not going to dwell on the methods of expulsion, or describe the ways and means used by the agents of Rome to effect their purpose. That might be interesting, might gratify the curious, but would, while the scheme is in progress, be injudicious. One fact the experience of the Eastern Townships has established—the Anglo-Saxon farmer will remain in no country where he is discriminated against. It is different with the business man. He goes where trade and manufactures yield the largest profit. The English-speaking population on the island of Montreal grows and will continue to grow. Of Protestant farmers, each census will count fewer, yet these farmers have an equal claim to the province with the French and Catholic farmers. Quebec is the country of the Protestant farmer from being the home of his family for several generations, and from their labor in creating that home by carving it out of the primeval forest. Tens of thousands of them know no other country: it is to them their native land, which they desire to live in, and, if need should arise, would die for. The townships are the creation of English-speaking Protestants, what they are they made them; they were their architects and builders, and by crown and imperial parliament, were secured in the townships as their inheritance, their chosen seat in the province of Quebec. The premier of our Dominion has been abroad of late, repeating with eloquent iteration that the secret of binding alien peoples to the English crown is to copy what has been done in Quebec, thrusting the advice on British

statesmen that to solve the situation in South Africa they should grant the Boers the fullest autonomy. What of the hypocrisy of talking thus and at the very time being a party to the crushing of the autonomy of the Eastern Townships, robbing its Protestant settlers of their rights as British subjects, winking at the violation of laws in order to make their situation unendurable, and so drive them forth to seek equal rights in another province—too often under another flag? Judging by their acts, it is seen some men when they clamor for autonomy really desire the power to supplant those who do not think as they do. These Townships' farmers, as fine a yeomanry as the sun ever shone upon, the influence and services of whose fathers in hours of danger saved Canada to Britain, are being ousted by the class in whose mouths autonomy, self-government, constitutional rights, are being constantly repeated. The victims of ecclesiastical designs ask for no exceptional treatment. What they do ask is, that they be rescued from the schemes and stratagems of a church that does claim to have special privileges, and that that church be rendered powerless to hurt them by being placed on the same level as other churches. Is that an unreasonable demand? The shame is, that in a British colony British subjects should have to prefer such a demand.

Of the exceptional privileges claimed as her right by Rome, the most extraordinary is that the children of her members be preserved from mingling with other children in learning the rudiments of education. What concerns those who are not ad-

herents of that church in this demand is, that the separate schools thus sought are to be supported out of the common purse, that the schools of a sect are to be treated as the schools of the nation. How this claim for separate schools came to be preferred in Quebec and how it works, it is necessary to understand. From their first settlement, the townships had schools, maintained, it may be said, wholly by the farmers, for the assistance from government was erratic and trifling. Between 1820 and 1841 several educational acts were passed, with grants per scholar; one provided for half the cost of new schoolhouses. None of these acts recognized differences in creed; they provided for public schools. Sydenham was extremely anxious to have the children of the habitants educated, and induced his ministers to submit an act, at the first meeting of the united parliament, to establish public schools in both provinces. The Quebec members objected, asking Catholic schools. Instead of standing by their measure the government weakly consented to refer the act to a committee, which inserted a clause giving permission to Catholics to dissent and form schools of their own. This permission applied to both provinces, and so Ontario had its first taste of Papal dictation. As regards the Quebec parishes the act was inoperative. Conferences with the bishops followed ending in submitting the act of 1844, which forms the basis of all subsequent school legislation. It made provision for sectarian schools. In Quebec the act failed from an unlooked for cause. It authorized a compulsory tax to maintain

schools. This the habitants resented, and attempts to levy rates resulted in a ferment of stubborn opposition with some deeds of violence. The act had to be modified in this regard, without, however, leading to the establishment of a general system of schools in the parishes. So late as 1853 there were municipalities where no school tax had ever been collected. The planting of schools among the habitants is, therefore, comparatively recent. The organizing of their schools fell to their priests, and they made them adjuncts of their church. From the earliest period, the preparation of children for first communion had been by means of repetition. Someone, commonly the mother, repeated the catechism and prayers from memory, and the words they said the little ones stored away as they listened. The introduction of schools was seized to do this work of preparation, and their main purpose to this day is to fit the scholars for their first communion. After that ceremony, few of the boys, at least, attend. These schools are as much a part of the Papal system as its convents. They do for the ordinary child what the college does for the select few—train them to implicit faith in and obedience to their church. To parallel them with schools whose end is to teach the three R's and to enlarge the intellect by storing it with information, is to confound two essentially different institutions. When the state makes provision for separate schools, it is entering into a partnership with Rome to help it to preserve and propagate its doctrines; when it gives public money for these schools, it

is taxing non-Catholics to teach what is repugnant to their consciences. In the townships, language is no cause for separate schools. English parents are glad of any opportunity for their children to acquire French, while French parents, if left to themselves, would have all their children able to speak English.

For two score years, at least, there were schools in the townships before there was any serious effort to found any kind of schools in the parishes. This priority it is of importance to bear in mind. When the act of 1844 began to be enforced, there were schools in every English-speaking settlement. In farming communities the support available for schools is limited. Children cannot be expected to walk over two miles to school, and that radius gives, where farms range from one to two hundred acres, an average of one school to every twenty families. This physical obstacle to a rural population keeping up more than one school has not been taken into account by those who have framed our educational laws. Introduce a second school, and one or other has to go out of existence, for there are only sufficient families to support one. A priest goes into a school district in the townships and commands the few Catholic families to dissent and have a separate school. The loss of their rates impairs the revenue of the old school, and, as time passes, whenever a farm comes for sale, by some unseen direction, a Catholic buyer is brought for it, so the revenue grows smaller until the point is reached that it is insufficient, and the school door closes for the last time. The town-

ships had a system of schools as old as their settlement and as non-sectarian as those of Ontario. They have been undermined by the innovation of confessional schools. It was officially stated in 1906 that four hundred had gone out of existence. The beginning of every school year sees more doors unopened. No matter under what pretence separate schools are introduced into farming sections, the result is to destroy the original schools. It is different in towns and cities, where sufficient support can be got for both. In the country, where there can only be a limited number of families to the square mile, the man who establishes a separate school does so with the design of breaking down the one in existence. In her invasion of the townships Rome planned to destroy the schools of their founders, and she is killing them by the dozen.

To use public money to pay for confessional schools is a direct infringement on the rights of conscience. This can be shown by a single illustration. The rule as to division of school taxes is that they go according to the creed of the ratepayer. When it comes to the taxes levied on incorporated companies this principal of allotment would require that they be divided according to the amount of stock owned by Catholic and Protestant shareholders. This is not done, a new rule is adopted and the rates paid by companies are divided in proportion to the children in the municipality in which the factory is situated, and thus, while Catholic shareholders may be a negligible quantity the lion's share of the company's tax goes to the Catholic schools. An estimate, prepared by one who invec-

tigated the subject, gives a million dollars yearly as the amount taken from Protestants for the support of Catholic schools. That, I judge, is an excessive estimate, but the amount has nothing to do with the principle at stake, which is, that Protestants having investments in banking and insurance companies, commercial and manufacturing enterprises are compelled by law to support Catholic schools. It is within the truth to say that of the capital of these companies nineteenth-twentieths is that of Protestants. There are many companies composed exclusively of Protestants whose tax goes to Catholic schools. Plausible gentlemen in parliament dwell on the fairness of allowing each creed to designate the school to which their tax should go. Let them reconcile their rule with their seizing the taxes of Protestants when associated in companies. Their excuse is, that the proprietors of great industrial concerns are interested in the education of their employes. Certainly they are interested in seeing that they get a secular education, but it is of the brutality of intolerance to confiscate their money to teach the doctrines of a church. The air is full of plans to save the non-sectarian schools of the farmers. Take the rates levied on Protestants for the support of Catholic schools and place them in a general fund and there will be no need to call for aid from the benevolent or for an increased grant from the government. Each dollar levied in taxation or taken from the public treasury for the support of any church or the teaching of its creed is a violation of the rights of conscience.



## CHAPTER 13

The growth of the townships, sketched in the first chapter, was full of hope. Each day's work was done in joyous expectation of plans to be realized. There was activity, progress, life. Periodically there was exultation over what had been achieved: neighbor joining neighbor to enumerate results, encouraging one another to attempt greater things. The pages in which Bouchette tells of his successive visits to the townships and of their marvellous advancement give a thrill of delight to the reader. A brighter morning no new country could have. How different the picture of to-day! In a few centres there is much industrial activity: Sherbrooke and Granby hum with the revolving wheels of mill and factory, around which cluster tenements of workers. These are apart from the rural population, and it is with the English-speaking farmer I am concerned. Let us see how he has fared. Here is a concession in which, a few decades ago, in each home was heard the kindly speech of the Lowland Scot, here another where Highlanders predominated; another where Irish Catholics and Protestants dwelt in neighborly helpfulness; another where neatness and taste told of its dwellers being of New England descent. To-day approach one of those homes, and with polite gesture madam gives you to un-

derstand she does not speak English. Here is the school the first settlers erected, and which they and their successors kept open with no small denial. Draw near to it and you hear the scholars in their play calling to one another in French. The descendants of the men who cleared these fields of forest and brought them into cultivation have disappeared. The meeting-house where they met for worship stands there on a knoll, with broken windows, and boarded door, dropping to decay. The surrounding acre where they buried their dead is a mass of weeds, which defy approach to read the wording on the stones that are barely discerned thru the tangle of vegetation. Once in the course of years there is a funeral: a body comes by train from some far-distant State, that of one who was once a settler and yearned to rest with her kindred. A vanished race: why did they go? Because the pledged word of a British king and the statute enacted by a British parliament, were broken and set aside by Canadian politicians in obedience to the ecclesiastics who helped them to office. These acres were meant by the king and parliament of England to be free land: the blight of servitude to a church is now upon them.

The situation of the few families who cling to a decaying township settlement is painful.

They have seen neighbor after neighbor leave, and French families take their place. The people they visited and who visited them are in the United States, for of those who have left the townships the large majority sought the republic instead of our Northwest, as if from an instinctive fear that no part of Canada is safe from the power that expelled them. The lack of social intercourse presses on the wife and children; the lack of mutual helpfulness on the father. A feeling of isolation and loneliness creeps upon them. It is with difficulty services in the church are maintained: were it not for help from home-mission funds its door would be closed. A day comes when there are too few families to keep up the school. The father sees a Catholic one within sight of his door. Will he send his children to it? What is the daily routine of that school? Learning the prayers of the church, so that the children may be able to follow the church service on Sunday; learning the catechism, with such questions as this—

"What is the church Jesus Christ has established?

"It is the Catholic, apostolic, and Roman church.

"Can one be saved outside of the Catholic, apostolic, and Roman church.

"No, outside the church none can be saved."

with a little of the three R's during the intervals between prayers and catechism. The teacher assures the father his children will not be asked to join in either, but he knows from experience they will be involuntarily fixed in their memories by daily hearing. Then the day comes when the priest is to visit

the school, and the scholars join in preparing and decorating a little shrine. The text-books are Catholic, the whole atmosphere of the school is Catholic. He cannot in conscience send his little ones to it, and so the French-Canadian, who has been wanting his farm, gets it, and a week after he is in possession a priest comes to see the new acquisition of his church, for it has a joint proprietorship with the habitant in its acres. For the first time a priest drives up the lane lined by maples which the grandfather of the dispossessed Protestant planted, and levies tithes on the yield of fields his great-grand parents redeemed from the wilderness and which four generations of Protestants have plowed.

When the stream of emigration from the United Kingdom set in a century ago, it was so marvelous that any portion of it should have been diverted to the back country of Quebec, that he who weighs all the conditions of the times traces the hand of design—that God would have planted within the bounds of the province a people who would bear testimony to his truth. Hundreds of families who sailed from the Old Land purposing to settle in Ontario were, by what seemed to them accidental happenings, diverted from their intention and remained in Quebec. Of the hundreds of first settlers I have conversed with, not one in twenty said they crossed the Atlantic with the intention of remaining in Quebec. Was there no purpose in this? Are the settlements of Ulstermen and of Lowland Scots that rose in the midst of the all-pervading forest to be regarded in no other light than that which the economist views them? The

fundamental truth of Christianity is the individuality of man in his relation to God. Each stands accused before him, and for his reconciliation there is no provision for a human intermediary. No fellow-being can step between the soul and its maker: no organization speak or act for him. In every age and in every country there have been men who professed to be the deputies, the representatives on earth, of God; assuming to speak for him and claiming the efficacy of their services as intermediaries in saving souls. In no other part of the continent was there more need than in Quebec for a body of men and women to bear witness by their lives that no fellow-mortal can stand between the soul and God, teaching the twin truth of the individual responsibility and of the spiritual independence of man. The settlers, so strangely guided to Quebec, knew this great truth, but hid it in their materialism, their eager seeking after what the world can give, and the example they ought to have set was lost in their inconsistent lives, their indifference to the eternal welfare of the people whose eyes were upon them. It was their duty to be lights, to be witness-bearers to the sovereignty of Christ and the all-sufficiency of his intercession, yet, if by naught else than their neglect of associating together to fan the flame of piety, and the meanness of their contributions to sustain Gospel ordinances, they disgraced, and finally blasted the cause they were called to recommend. Had they realized the grandeur of their opportunity, had they been faithful to their duty, would they have been abandoned to those

who, from their first coming, plotted against them? The Protestants of Quebec had presented to them an opening to do a grand work. They threw it away, and as a people they have been thrown away. Will the remnant consider where their fathers failed and earnestly set their faces to redeeming the past? If they are to hold their own, it must be, first, by a great spiritual revival among themselves. They have been sinned against, wantonly and aggressively, but they also have sinned by not living up to the knowledge they possessed.

The conventional talk about national characteristics needs modifying. The difference between the English and the French-speaking Canadian is not due to race, it is caused by conditions. Give the English boy the same training in youth as the French boy, and reverse the position of the French boy giving him an English training, and see how little race has to do with the traits we call national. Both peoples are essentially the same. That the French have been kept apart is due to those whose interest it is to hold them their exclusive subjects. It is the black robe who stands between kindred peoples. Look at the States where the French Canadians are no longer under priestly control, and mark how they develop and rise to the place nature designed they should occupy. Look at the French Protestants in Quebec, and mark how they become one in heart and purpose with their English neighbors, while retaining their language and customs. Language is no insurmountable barrier. The French have an inalienable right to the language they so dearly cherish. Nature

has been kind to them in giving them a remarkable capacity for learning other languages, and they are recognizing more and more that English is the medium of business, the key that opens to them the avenues of advancement offered by nigh a hundred millions of people. I am sure the time will never come when they will cease to speak French, but the time will come when there will be few who cannot speak English, and in this they will have a great advantage over the English who only know one language: Those who speak disparagingly of the French, do so in ignorance. If they lived among them, had they come to know the excellent qualities of head and heart that are native to them, they would be ashamed to so regard them. They who so act show the same spirit as the priesthood of Quebec, in raising barriers to prevent full intercourse with the English, attempting to bind the French into a solidarity that suits their purpose. Every man has a claim to be judged on his own merits; to discriminate between man and man on the score of origin is sinful prejudice. Judge him of French origin as you would an Englishman, be blind neither to his faults nor his excellencies, and make him feel that he stands on a level with yourself. It is high time that all distinctions as to race be dropped in the Dominion, that the truth be recognized that origin gives no privilege, no claim to superiority, that the highest title is that of being a British subject, and the only name for any of us to boast is that of Canadian. To use the term autonomy in the sense of preserving by public authority and resources

any race or creed is destructive of the unity Canada requires. It is not intolerant to propose that a church be supported by voluntary contributions; a man can be a devout believer in its teaching and yet consistently contend that every bond between it and the state be cut. Are American Catholics not the equal of Quebec Catholics? Yet they pay no tithes, they build their churches by voluntary contributions, they send their children to the same school as their neighbors, when a candidate for public office solicits their vote they do not ask whether he is approved by their bishop, no mandements are proclaimed from the altar telling what books and newspapers they must not read, what meetings they must not attend, there is no interference with freedom of speech and press. Because American Catholics profess their faith under such different conditions from those of Quebec, who dare call them bad Catholics? What is orthodox south of 45, cannot be reprehensible north of it. If French Canadian Catholics who have gone to the States are emancipated from privileges their clergy once held, and are still counted among the faithful, why is it wrong to advocate that those on this side of the border be relieved from a system that may have had its use in feudal times but is incompatible with the conditions of the twentieth century?

The church of Rome is dual: it is a spiritual system and it is a political system. In the United States it is a spiritual system: in Quebec it is as much political as spiritual. The French Canadian who looks back on the history of his race on this continent will see

how his church, not in its spiritual but in its political capacity, has been its blight. The intolerance that drove the Huguenots away was the primal cause of the failure of New France. Rome backed the kings of France in keeping the habitants vassals, isolated, and without that education that would have enabled them to hold their own with their neighbors to the south. It was priestly intrigues that blocked Frontenac's efforts to make New France a nation. Under English rule the interests of the habitants were, whenever opportunity offered, traded for the advancement of the church. When fostering the aspirations for national autonomy suited the purposes of the bishops, they clapped the leaders on the back; when deserting was to win advantages for the church, they denounced them in pastoral letters. It has ever been the same, when public men have served their purpose and become a detriment they were cast aside. A prominent illustration is found in the career of Mercier. When he had exhausted his popularity by doing their bidding, the bishops threw him away like a squeezed lemon, by leaving him to be defeated in the election of 1891. No injury done the habitants equals that visited on the tens of thousands who have gone to the New England States. With their skill of hand and their facility in learning, they ought to fill the best positions. From lack of elementary education, withheld from them in their native parishes because it suited the purposes of the bishops, they far too often fill the commonest and worst-paid callings. Arrogating to herself the character of their

preserver, Rome has been the worst enemy of the French nationality in Canada, for she has used them to advance her own interests and not theirs. To one object the controllers of that church in Quebec have been unwaveringly true, the aggrandizement of their order and organization. To attain those ends they have played with national prejudices as with counters in the great game of politics. Holding the mass of the people subject to their bidding, they speak and work in parliament through a body of men they have trained for the purpose, a second caste yet subject to their own, with the object of making, as near as may be, the Dominion what Quebec is. And let those provinces that think themselves safe, consider this, that the measure of Rome's privileges in Quebec is the standard of Rome's demands in the rest of the Dominion. What is possessed in Quebec, is the claim of the bishops at this hour in Manitoba and her sister provinces. The great issue that has to be faced by Canada as a nation, an issue that cannot be evaded and the settlement of which will ere long be imperative, is the disestablishment of the church of Rome in Quebec, making it, as in Italy and France, a free church in a free state.

May the tragical fate of the English farm settlements of Quebec be a warning to the people of the other provinces, to rise above their local affairs, and grapple with the great issue that is before them, and which the longer it remains unsettled, the more complex and difficult it will become. The union of church and state in Quebec is incompatible with the stability of the Domin-

ion. The existence of that system in one province will be found, as in session after session of late years, a menace to the other provinces and a constant hindrance to the proper working of the federal government. No church can with safety to the public weal be given a preference by the state over other churches, and the state cannot become the servant of any church without conjuring a hundred troubles. Separation of church and state would have saved the English-speaking settlements of Quebec; separation of church and state can alone save the Dominion.

THE END

## APPENDIX





## APPENDIX

## A

Extract from the articles of capitulation of Montreal, giving those relating to religion. In the first of these articles the French governor asked that—

The free exercise of the Catholic, apostolic, and Roman religion shall subsist entire, in such manner that all the states and the people of the towns and countries, places and distant posts shall continue to assemble in the churches, and to frequent the sacraments as heretofore, without being molested in any manner, directly or indirectly. These people shall be obliged, by the English government, to pay their priests the tithes, and all the taxes they were used to pay under the government of his most Christian Majesty.

Answer of the British General: Granted, as to the free exercise of their religion, the obligation of paying the tithes to the priests will depend on the king's pleasure.

The French Governor asked that

The chapter, priests, curates and missionaries shall continue, with an entire liberty, their exercise and functions of cures, in the parishes of the towns and countries.

Answer of the British General: Granted.

The French Governor asked that

The grand vicars, named by the chapter to administer to the diocese during the vacancy of the Episcopal see, shall have liberty, to dwell in the towns and country parishes, as they shall think proper. They shall at all times be free to visit the different parishes of the diocese with the ordinary ceremonies, and exercise all the jurisdiction they exercised under the French Dominion. They shall enjoy the same rights in case of the death of the future bishop, of which mention will be made in the following article,

Answer of the British General: Granted except what regards the following article.

The French Governor asked that If by the treaty of peace, Canada should remain in the power of his Britannic Majesty, his most Christian Majesty shall continue to name the bishop of the colony, who shall always be of the Roman communion, and under whose authority the people shall exercise the Roman religion.

Answer of the British General: Refused.

The French Governor asked that

The bishop shall, in case of need, establish new parishes, and provide for the rebuilding of his cathedral and his episcopal palace: and, in the meantime he shall have the liberty to dwell

in the towns or parishes, as he shall judge proper. He shall be at liberty to visit his diocese with the ordinary ceremonies, and exercise all the jurisdiction which his predecessor exercised under the French Dominion, save that an oath of fidelity, or a promise to do nothing contrary to his Britannic Majesty's service, may be required of him.

Answer of the British General: This article is comprised under the foregoing

The French Governor asked that

The communities of nuns shall be preserved in their constitutions and privileges; they shall continue to observe their rules, they shall be exempted from lodging any military; and it shall be forbid to molest them in their religious exercises, or to enter their monasteries: safe-guards shall even be given them, if they desire them.

Answer of the British General: Granted.

The French Governor asked that

The preceding article shall likewise be executed, with regard to the communities of Jesuits and Recollets and of the house of the priests of St. Sulpice at Montreal; these last, and the Jesuits, shall preserve their right to nominate to certain curacies and missions, as heretofore.

Answer of the British General: Refused till the king's pleasure be known.

The French Governor asked that

All the communities, and all the priests, shall preserve their moveables, the property and revenues of the seigniories and other estates, which they possess in the colony, of what nature soever they may be; and the same estates shall be preserved in

their privileges, rights, honors, and exemptions.

Answer of the British General: Granted.

The French Governor asked that

The savages or Indian allies of his Most Christian Majesty, shall be maintained in the lands they inhabit; if they choose to remain there; they shall not be molested on any pretence whatsoever for having carried arms, and served his most Christian Majesty; they shall have, as well as the French, liberty of religion, and shall keep their missionaries. The actual vicar general, and the bishop, when the Episcopal see shall be filled, shall have leave to send to them new missionaries when they shall judge it necessary.

Answer of the British General: Granted, except the last article, which has been already refused.

## B

During the debate on the Quebec act, June 10, 1774, Serjeant Glynn spoke as follows: To any predilection of the Canadians for their ancient laws and customs, I should be inclined as much as anyone to yield, as far as I could do so with safety; but to carry, my compliance to the exclusion of the laws of England—to consent to substitute in their place the laws of France—and to add to all this a form of legislature correspondent to that of the kingdom whence those laws were borrowed, is what I never can consent to. And I own my objection to the measure was strengthened when I was told, that there was a prejudice and predilection in these people favorable to those

laws, and that it was considered good policy to avail ourselves of this predilection, to build a system of government upon it so contrary to our own. I should have thought it was rather our duty, by all gentle means, to root these prejudices from the minds of the Canadians, to attach them by degrees to the civil government of England, and to rivet the union by the strong ties of laws, of language, and religion. You have followed the opposite principle; which, instead of making it a secure possession to this country, will cause it to remain forever, a dangerous one. I have contemplated with some horror the nursery thus established for men reared up in irreconcilable aversion to our laws and constitution. When I was told by Lord North, that they were insensible to the value of those laws and held them in contempt, wishing to be bound by laws of their own making—when I was told that they had no regard for civil rights, I must confess that it operated with me in a contrary way, and I could not help thinking that it furnished an unanswerable argument against gratifying them. I think that we could not, with humanity or policy, gratify them in their love of French law, of French religion. The common safety is concerned in our refusal. If the Canadians love French law and French religion, and entertain opinions adverse to the peace and safety of the mother country, would it not be wise to recall them from their delusion, by putting them in immediate possession of civil rights; by which they would see all questions concerning their own property determined on the fairest and most impartial man-

ner, by laws which are the best guard of the weak and the strong, the inferior and the most powerful part of the community? Without they possess the highest sense of civil rights, they can never be good friends with us, or good subjects of the king. . . All this is done, because it is right to indulge the natural predilections of the Canadians in favor of their ancient laws and usages! Let me, sir, in like manner, plead the law in favor of the English merchants—in favor of the English inhabitants. If it be cruel, if it be oppressive, to obtrude upon the Canadians this law, which they have been eleven years in the exercise of, what should be said of those who take away the law from the poor English subjects who reside there? These men have a predilection and liking for the laws of their own country, and claim their privilege of being protected, according to the usage and just principles of policy of their ancestors. They have settled there in consequence of the royal faith pledged to them, that they should not be deprived of the law which they esteem so valuable, and that none of their privileges should be infringed. Is it justice to these men to force them to live under an arbitrary form of government, and to submit to the administration of justice by the principles of another law, to the exclusion of juries, for the gratification of others, who prefer being placed under a despotic form of government? Is not the gratification due to the natives of England, rather than to the natives of Canada? There is, sir, a consideration which I will submit to the house. Every man born in Canada since the

conquest must be a free-born subject. In process of time, all will be of that description, and as such, entitled to partake of all the rights and privileges of the system of government which we are about to transmit to them. Is it then, wise, I ask, out of the prejudices of those who have been born under the arbitrary law of another country, to perpetuate a system of government, which will deprive all those who may hereafter be born, from the enjoyment of the privileges of other British subjects?

Edmund Burke spoke thus: How many years elapsed, before you thought of making any constitution for Canada at all! And now instead of making them free subjects of England, you sentence them to French government for ages. I meant only to add a few words upon the part of the Canadians, and leave them to their misery. They are condemned slaves by the British parliament. You only give them new masters. There is an end of Canada. Sir, having given up a hundred and fifty thousand of these people, having deprived them of the principles of our constitution, let us turn our attention to the three hundred and sixty English families. It is a small number; but I have heard, that the English are not to be judged of by number but by weight; and that one Englishman can beat two Frenchmen. Let us not value the prejudice. I do not know that one Englishman can beat two Frenchmen; but I know that, in this case, he ought to be more valuable than twenty Frenchmen, if you estimate him as a freeman and the Frenchmen as slaves. What can compensate an Englishman for the loss of his laws? Do

you propose to take away liberty from the Englishman, because you will not give it to the French? I would give it to the Englishman, tho ten thousand Frenchmen should take it against their will. Two-thirds of the whole trading interests of Canada are going to be deprived of their liberties, and handed over to French law and French judicature. Is that just to Englishmen? Surely, the English merchants want the protection of our law more than the noblesse! They have property always at sea; which, if it is not protected by law, every one may catch who can. No English merchant thinks himself armed to protect his property, if he is not armed with English law. I claim protection for the three hundred and sixty English families, whom I do know, against the prejudices of the noblesse of Canada, whom I do not know. I must put the house in mind of what an honorable gentleman said in the course of this debate—that it was seldom that any improvement was introduced in any country, which did not, at first, militate against the prejudices of the people. Was all England pleased with the revolution? No, the wishes of the majority were sacrificed to the reason of the better part, and the interest of the whole; and we are now enjoying the benefits of that choice—benefits brought upon the ignorant people, not by force, but with an easy hand. The Canadians are now struggling with their old prejudices in favor of their former laws. A new establishment is proposed to them; which throws them into some disorder, some confusion—"All the interim is like a phantasma and a hideous dream." The honorable

gentlemen opposite, taking advantage of this confusion, say—We have got a basis; let us see how much French law we can introduce! With a French basis, there is not one good thing that you can introduce. With an English basis, there is not one bad thing that you can introduce. . . . With regard to state policy, which is the last point I shall touch upon—the preservation of their old prejudices, their old laws, their old customs, by the bill, turns the balance in favor of France. The only difference is, they will have George the Third for Lewis the Sixteenth. In order to make Canada a secure possession of the British government, you have only to bind the people to you, by giving them your laws. Give them English liberty—give them an English constitution—and then whether they speak French or English, whether they go to mass or attend our own communion you will render them valuable and useful subjects of Great Britain. If you refuse to do this, the consequence will be most injurious: Canada will become a dangerous instrument in the hands of those who wish to destroy English liberty in every part of our possessions.

## C

Royal instructions of Governor Carleton given 3rd January, 1775.

The establishment of proper regulations in matters of ecclesiastical concern is an object of very great importance, and it will be your indispensable duty to lose no time in making such arrangements in regard thereto, as may give full satisfaction to

our new subjects in every point, in which they have a right to any indulgence on that head; always remembering, that it is a toleration of the free exercise of the religion of the church of Rome only, to which they are entitled, but not to the powers and privileges of it as an established church, for that is a preference, which belongs only to the Protestant church of England.

Upon these principles, therefore, and to the end, that our just supremacy in all matters ecclesiastical, as well as civil, may have its due scope and influence, it is our will and pleasure,—

First; that all appeals to, or correspondence with any foreign ecclesiastical jurisdiction, of what nature or kind soever, be absolutely forbidden under very severe penalties.

Secondly, That no episcopal or vicarial powers be exercised within our said province by any person professing the religion of the church of Rome, but such only as are essentially and indispensably necessary to the free exercise of the Romish religion; and in those cases not without a license and permission from you under the seal of our said province; for, and during our will and pleasure, and under such other limitations and restrictions as may correspond with the spirit and provision of the act of parliament, "for making more effectual provision for the government of the province of Quebec;" and no person whatever is to have holy orders conferred upon him, or to have the cure of souls without a license for that purpose first had and obtained from you.

Thirdly, That no person pro-

fessing the religion of the church of Rome be allowed to fill any ecclesiastical benefice, or to have or enjoy any of the rights or profits belonging thereto, that is not a Canadian by birth, (such only excepted, as are now in possession of any such benefice) and that is not appointed thereto by us, or by, or under our authority, and that all right, or claim of right in any other person whatever to nominate, present, or appoint to any vacant benefice, other than such as may lay claim to the patronage of benefices, as a civil right, be absolutely abolished. No person to hold more than one benefice, or at least not more than can reasonably be served by one and the same incumbent.

Fourthly, That no person, whatever, professing the religion of the church of Rome, be appointed incumbent of any parish, in which the majority of the inhabitants shall solicit the appointment of a Protestant, and entitled to all tithes payable within such parish; but, nevertheless, the Roman Catholics may have the use of the church for the free exercise of their religion at such time, as may not interfere with the religious worship of the Protestants. And in like manner the Protestant inhabitants in every parish, where the majority of the parishioners are Roman Catholics, shall, notwithstanding, have the use of the church for the exercise of their religion at such times as may not interfere with the religious worship of the Roman Catholics.

Fifthly, That no incumbent professing the religion of the church of Rome, appointed to any parish, shall be entitled to receive any tithes for lands, or posses-

sions occupied by a Protestant; but such tithes shall be received by such persons as you shall appoint, and shall be reserved in the hands of our receiver general, as aforesaid, for the support of a Protestant clergy in our said province to be actually resident within the same, and not otherwise, according to such directions as you shall receive from us in that behalf. And in like manner all growing rents and profits of a vacant benefice shall, during such vacancy, be reserved for and applied to the like uses.

Sixthly, That all persons professing the religion of the church of Rome, which are already possessed of, or may hereafter be appointed to any ecclesiastical benefice, or who may be licensed to exercise any power or authority in respect thereto, do take and subscribe before you in council, or before such person as you shall appoint to administer the same, the oath required to be taken and subscribed by the act of 1774.

Seventhly, That all incumbents of parishes shall hold their respective benefices during good behavior, subject, however, in cases of any conviction for criminal offences, or upon due proof of seditious attempts to disturb the peace and tranquillity of our government, to be deprived, or suspended by you with the advice and consent of a majority of our said council.

Eighthly, That such ecclesiastics as may think fit to enter into the holy state of matrimony, shall be released from all penalties to which they may have been subjected in such cases by any authority of the See of Rome.

Ninthly, That freedom of burial of dead in churches and

church yards be allowed indiscriminately to every Christian persuasion.

Tenthly, That the royal family be prayed for in all churches and places of holy worship, in such manner and form as are used in this kingdom; and that Our Arms and Insignia be put up not only in all such churches and places of holy worship, but also in all courts of justice; and that the arms of France be taken down in every such church or court where they may at present remain.

That all missionaries amongst the Indians, whether established under the authority of, or appointed by the Jesuits, or by any other ecclesiastical authority of, the Romish church, be withdrawn by degrees, and at such times and in such manner as shall be satisfactory to the said Indians, and consistent with the public safety; and Protestant missionaries appointed in their places; that all ecclesiastical persons whatsoever, of the church of Rome, be inhibited, upon pain of deprivation, from influencing any person in the making a will, from inveighing Protestants to become Papists, or from tampering with them in matter of religion and that the Romish priests be forbid to inveigh in their sermons against the religion of the church of England, or to marry, baptize, or visit the sick, or bury any of our Protestant subjects, if a Protestant minister be upon the spot.

You are at all times and upon all occasions to give every countenance and protection in your power to such Protestant ministers, and schoolmasters, as are already established within our said province, or may hereafter be sent thither.

D

## CIRCUIT COURT, St.

## HYACINTHE

McCord (J. S.), J. The declaration states that the plaintiff, Refour, is a priest and cure of the Catholic mission of Ste. Cecile in the township of Milton. Defendant is proprietor of lot No. 14 in the 8th range of Milton and a Roman Catholic parishioner, living on the lands of the said mission, to whose cure he is duly assigned, and is bound to pay, 10s for tithes of grain on said lot. Defendant pleads—

1 That the priest has no right to tithes.

2 That the mission being within the township of Milton, where the tenure is in free and common soccage and subject to the laws of England, which do not require the payment of tithes within this province.

3 That the mission has not been either civilly or canonically erected into a parish or cure.

It is well known that both in England and in France at the earliest periods when tithes were mentioned they were voluntary contributions, and only became eligible when sanctioned by authority of law, which was so in France by Charlemagne, A.D., in England partially in 786-7, and generally in 930. Burns' Eccl. Law V. Tithes, vol. 3 p. 387. There can, therefore, be no right of tithe without sanction of law. In this province it formed part of the law of the country introduced by the kings of France under whose dominion that part of the country known as seigniorial Canada was subject, and where it was found in force at the conquest of the country in 1760. Edit, du mois de Mai, 1669.

By the unpenal statute 14 Geo. III. c. 83, sect. 5, it is enacted that the inhabitants of Quebec, professing the religion of the "church of Rome may have, hold, and enjoy the free exercise of the religion of the church of Rome . . . and that the clergy of the said church may hold, receive, and enjoy their accustomed dues and rights with respect to such persons only as shall profess the said religion." Had this clause remained alone in the statute it might perhaps be argued that the permission should extend to the entire province of Quebec but by the 9th section all doubt is removed by the following proviso. "That nothing in this act contained shall extend, or be construed to extend, to any lands that have been granted by his Majesty, or shall hereafter be granted by his Majesty, his heirs or successors, to be holden in free or common soccage." The next and only other statute on the subject is 31 Geo. III. c. 31, sec. 35, which confirms and contains the above provision, with a further restriction, that where a Protestant shall possess land, which in the hands of a Roman Catholic would have been liable to tithes, such land shall cease to be so subject to that right.

Such then is the present state of the law of the country, and there being a positive prohibition to the extension of the rights of tithes to lands held in free and common soccage, I am bound to maintain the second plea pleaded.

Sicotte for plaintiff: deBouville for defendant.

Previous case is dated June 10 1854.

## PREAMBLE OF RECTORIES ACT Vic. 44-5.

Whereas the recognition of legal equality among all religious denominations is an admitted principle of colonial legislation; and whereas in the state and condition of this province, to which such a principle is peculiarly applicable, it is desirable that the same should receive the sanction of direct legislative authority, recognizing and declaring the same as a fundamental principle of our civil polity . . . It is hereby declared and enacted, that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, so as the same be not made an excuse for acts of licentiousness or justification of practices inconsistent with the peace and safety of the province, is, by the constitution and laws of this province allowed to all Her Majesty's subjects within the same.

## NOTES TO CHAPTER 12

The declarations referred to by Sir A. T. Galt in his two pamphlets are too long to quote. Judge Routhier gave two decisions in cases of actions for libel based on sermons preached by parish cures, in which he laid down the rule that what was said by a priest in discharge of his ecclesiastical functions he could not be called to account before a secular court. The first judgment was upheld by the court of appeal. The second was quashed in review. The following sent-



ences sufficiently indicate Judge Routhier's reading of the law—

Ecclesiastics cannot be prosecuted before secular tribunals for ecclesiastical matters. A layman who asserts he has been defamed by a cure in a sermon delivered from the pulpit, cannot sue for damages in civil tribunals for defamation, preaching being a matter essentially ecclesiastical.

At the first glance thrown upon this case, I asked myself if I was a judge competent to decide it, if it pertained to me, a layman, to censure a priest. . . . The priest in the pulpit, speaking in the name of God, in virtue of his divine mission, completely eludes my jurisdiction; and I have no quality (claim) to decide whether he abuses his sacred ministry or not.

There appeared in a Three Rivers paper in 1870 a program for the direction of electors at the approaching Dominion elections. It was endorsed by the Bishops of Montreal and Three Rivers in pastoral letters. Here are three quotations from the program—

"It is impossible to deny that politics are closely bound up with religion, and that the separation of the church and the state is an absurd and impious doctrine. This is particularly true of the constitutional rule, which, attributing to parliament all power of legislation, places in the hands of those who compose it a double-edged weapon which might become terrible.

"It is for this it becomes necessary: that those who exercise this legislative authority should be in perfect harmony with the teachings of the church

"It is for this it is the duty of Catholic electors to choose for their representatives men whose principles are perfectly sound and sure.

"The full and entire adhesion to Roman Catholic doctrines, in religious politics and social economy, should be the first and principal qualification that Catholic electors should exact from the Catholic candidate. It is the safest criterion of which they can avail themselves to judge of men and things."

"We belong in principle to the Conservative party; that is to say, to that which constitutes itself the defender of social authority. It is sufficient to say, that by the Conservative party, we do not mean every set of men who have no other tie than that of personal interest and ambition; but a group of men sincerely professing the same principles of religion and nationality, preserving in their integrity the traditions of the old Conservative party, which may be summed up in an inviolable attachment to Catholic doctrines, and an absolute devotion to the national interests of Lower Canada.

"It is the duty of the electors not to give their suffrages but to those who will entirely conform to the instructions of the church in these matters."

Bishop of Bitha, assisting in the Montreal diocese, in a sermon on the Sunday before the election of June, 1875, said—

"The Liberal Catholic professes to believe in the truths of the faith, but he rejects the inter-

"ference of the church in secular affairs. He does not want the priest to meddle in politics. He, therefore, excludes God from men in human affairs. This is an error condemned by popes and councils. . . . The priest should be your adviser in political affairs."

Pastoral letter of 22nd Sept, 1875, from the united bishops:

"The church is a perfect society, distinct and independent from civil society, and she has necessarily received from her founder authority over her children to maintain order and unity. . . . Not only is the church independent of civil society, she is superior. . . . the state is therefore in the church, and not the church in the State."

In a pastoral letter, dated Feby. 6, 1876, the Bishop of Montreal warned his people against Liberalism. The precautions to avoid being led astray by Liberalism are summed up in this rule, which every one is advised to repeat in his heart:

"I hear my cure, my cure hears the bishop, the bishop hears the Pope, and the Pope hears Jesus Christ, who assists him with his divine spirit in rendering him infallible in the teaching and government of His church. By keeping this rule in mind, and respecting the priest as they would their Saviour, good Catholics need not fear to go astray."

In a mandement issued March 21, 1877, the Bishop of Rimouski condemned the judgment of the court in setting aside an election in Bonaventure on account of priestly influence. The Bishop said—

"To pretend that electors should be free from all law except civil law, is to will that, during elections, the law of God and that of the church should be suspended. . . . A third error, no less pernicious, is that civil courts are charged with correcting the abuses, which may slip into preaching or refusing the sacraments. . . . The church alone has the right to impose limits which shall not be exceeded by the preacher in the unfolding of the doctrine. . . . The influence of the priest over his flock comes from his sacerdotal character, his divine mission. . . . How does one dare to call the threatening of the refusal of the sacraments to those who do not submit themselves to the direction of their pastors, a fraudulent proceeding?"

On Tuesday, Oct. 29, '76, the Jubilee of Bishop Bourget as a priest was celebrated in Notre Dame church Montreal. Father Braun was the preacher. His sermon was printed by authority. Following are extracts from it—

"The church, in the eyes of modern governments, is no more considered as a society completely independent of the state, having itself the rights confid-

"ed to it by its Divine Founder; "right of self-government; right  
 "of possessing and of administer-  
 "ing property; right of making  
 "laws binding upon the con-  
 "science, and to which the State  
 "should submit; right of being the  
 "only power that can define the  
 "invalidating impediments to  
 "marriage, that can determine  
 "the form of marriage, that can  
 "judge matrimonial cases to pro-  
 "nounce upon the validity of the  
 "conjugal tie; right of erecting  
 "parishes independently of the  
 "State; right of superintending  
 "and directing education in pub-  
 "lic schools. People do not con-  
 "sider any more than the heads  
 "of nations and their legislators  
 "that they owe submission, res-  
 "pect and obedience to the church  
 "just as much as the humblest  
 "citizen, and that the more ele-  
 "vated they are in the eyes of  
 "men, the more formidable ac-  
 "count they will have to render  
 "to God for their want of respect  
 "and submission to the laws of  
 "holy church.

"In future every upright and  
 "logical man, enlightened by the  
 "zeal of the bishop and his clergy,  
 "will say: Yes, we most heartily  
 "adhere to the constitutions of  
 "the church. Yes, they bind in  
 "conscience independently of the  
 "sanction of the state. There-  
 "fore the church is an indepen-  
 "dent society. Every one ad-  
 "mits this principle. The state is  
 "subordinate to the church. This  
 "truth is admitted. No one now  
 "dares to deny these two Catholic  
 "dogmas. But many, for a logical  
 "turn of mind, do not see the con-  
 "sequences which flow from these  
 "principles, and dare to doubt  
 "them. But the day we trust is  
 "near at hand when governments

"repudiating their errors, will at  
 "length recognize the truths pro-  
 "claimed by the First Council of  
 "Quebec. The law of the church  
 "itself enacts the ecclesiastical  
 "laws, without any recourse to  
 "the state, and it is the duty of  
 "the state to recognize these  
 "laws and submit to them. The  
 "church can, inasmuch as it  
 "thinks proper, require from the  
 "state a civil sanction for the  
 "laws. This sanction adds no  
 "new obligation to the law, but  
 "helps the execution thereof. In  
 "this case it is not a bill, a draft  
 "of a law, which the church pro-  
 "poses to the examination and  
 "discussion of a parliament, it is  
 "a law already made, and which  
 "the church alone has a right to  
 "make, a law which is already  
 "binding on the conscience, inde-  
 "pendently of the sanction  
 "of the state, and for which  
 "the church claims a purely  
 "civil action and sanction. The  
 "state does not enact the law, nor  
 "does it discuss the same; this is  
 "beyond its jurisdiction. It sim-  
 "ply sanctions it civilly, just as  
 "the church proposes it, without  
 "having the right to change, omit  
 "or add anything.

"As the church enacts its own  
 "laws, so does it also judge ec-  
 "clesiastical matters indepen-  
 "dently of the state's courts, to  
 "cause the church's decisions to  
 "be respected. The church de-  
 "cides in matrimonial cases, pre-  
 "scribes the forms of marriages,  
 "and the state is honored by  
 "causing the decisions of the  
 "church to be observed. The  
 "church has the possession and  
 "administration of temporalities,  
 "independently of the state; and  
 "the state protects the church in  
 "its possessions and administra-

"tions. The church enjoys its immunities, and the state protects it against the sacrilegious man who would wish to violate them. The church erects dioceses and parishes, and the state helps the church in all its works. The church watches over and directs the schools, and it approves the teachers that parents choose, and the state hastens freely to grant its protection and assistance. A Christian government is far from imitating those Liberal governments who arrogate to themselves all right and power in schools, which everywhere become schoolmasters, and which have perverted the education of youth. Such is the union of church and state and our venerable pontiff has devoted his life

to the strengthening of this union. All these truths are the corollaries of the church's independence, proclaimed by the council of Quebec."

Father Braun summed up the principles he had laid down thus:

The supremacy and infallibility of the Pope;

The independence and liberty of the church;

The subordination and submission of the church to the State; in case of conflict between them, the church to decide, the state to submit.

For whoever follows and defends these principles, life and a blessing; for whoever rejects and combats them, death and a curse.

## INDEX

- American revolution, attitude of priests during 26 and 28, course of Americans towards Canada 27, invasion 29.
- Assembly, refuses to do justice to English-speaking farmers 74-75
- Barre, Colonel, 44.
- Bishop of Quebec, official recognition 65.
- Brandy traffic, decision of theologians 21.
- Books prohibited 23.
- Border raids 16.
- Brown, George, 88.
- Canada act 51, its working 67.
- Canadienne la nation, 77.
- Capitulation of Montreal 32, of Quebec 32.
- Carleton, his defence of Canada 29, attempts to mould priesthood 64, royal instructions to him as to their status 64.
- Cartier, Sir Etienne, 89-90.
- Charles I. sells back Canada to France 12.
- Champlain 9, condition of Canada when left 13.
- Chapleau, 94.
- Church of Rome, its disestablishment the great issue before the people of the Dominion 105.
- Colborne, Sir John, carries out agreement with priests 83.
- Confederation, 89-90, what it gave to Quebec 92.
- Craig road, building 2
- Dalhousie, 68, 69, 76.
- Egremont, Earl, 35.
- Crown lands, their control 69, free of all servitude 95-96.
- Ellice, Alex., 59.
- Emigration, start of 3, Government forbids 43, resumed 58.
- Explorations, slow in being made 10.
- French revolution 54, founds a party of republicans 61, sends priests to Quebec 66.
- Frontenac, arrival 14, his imperial policy 15, defeated by the priests 16, his return 16, opinion of confessional 21, objects to priestly dictation 22, his instructions 53.
- Galt, Sir A. T., 90, his pamphlet 94.
- Habitants, 14, 16, 18, reception of English 24, development of 56, ignorance of public affairs 70, their illiteracy 70, 78, Sydenham's description 87, refuse to pay school rates 98, their schools 99, 102, in the United States 104.
- Haultain, Colonel, 90.
- Huguenots, establish trade of St. Lawrence 9, excluded 20, Execution of Yvil 21.
- Hey 35-41.
- Jacques Cartier 7.
- Jesuits, Relations 11, incite raids on New England 16, advise marriage with squaws 17, search for heretics 20, their blue laws 21, their return to Canada 93, compensated for property 93.
- Kirke captures Canada 12.
- Language, official 53-87.
- La Salle on priestcraft 21.
- Laurier, Sir Wilfrid, and autonomy 97.

## INDEX

- Missions** 10, Frontenac's estimate of them 11.  
**Maseres** 33-35.  
**Marriage**, injury from early 17.  
**Members of assembly**, description of 70-71.  
**Mercier**, Honore, 93.  
**McCord**, Judge, decision as to tithes 96.  
**Macdonald**, Sir John, 86-89.  
**MacDonald**, Sandfield, 88.  
**McGee**, D'Arcy, 89.  
**Napoleon**, effect on Quebec 62  
**National characteristics** 103.  
**Noblesse** 38.  
**Ontario's politicians**, their course regarding Quebec 87, 88, 89.  
**Opposition to Immigrants** 2-6.  
**Papineau**, his using constitutional cry to cover his designs, his eminence 72, support from English-speaking class 73, deserted by priesthood 78, his demands 79, failure of rising 81.  
**Parish-system** introduced 13, act regarding 79, extended by Baldwin 85, the real cause of driving away Protestant farmers 94-95.  
**Patents**, Crown prove land was not to be subject to church dues 95.  
**Plessis**, Bishop, his testimony about English rule 57.  
**Priesthood** made French nationality subservient to the advancement of their church 104-105.  
**Protestants of Quebec** did not live up to their light 102.  
**Proclamation of 1763**, 34.  
**Population in 1629**, at the conquest 24.  
**Public men** asking aid from priests 62.  
**Quebec act 38**, opposed by Townshend 39, North's statement 40, Edmund Burke 41-42, Pitt 44, analysis of act 45.  
**Royal Instructions** 36-46.  
**Rebellion**, first 80, second 81.  
**Recollet and Jesuit buildings**, their use for Protestant worship 65.  
**Result of French regime** 23.  
**Richelieu** makes Canada a crown colony 13.  
**Rome**, church of, her privileges in Quebec 31, the claim that they are secured by treaty 32, increase of privileges 65.  
**Schools**, 90, 93, 94, 97 98, 99, 100.  
**School-rates** of incorporated companies 100.  
**Scotch family**, first day in the bush 5.  
**Seignior system**, its introduction 13-25, obstructs immigration 59.  
**Seigniors** their pride and poverty 14, not suppressed 25, intrigues of 55.  
**Separate schools** fastened on Ontario 88, 90, 98.  
**Settlers in townships** from New England 1, from Britain 3, their growth 74, their decline 94, expulsion 98-101.  
**Sulpicians** 83, 84, 85.  
**Talon** tries to make colony self-sustaining 14, his opinion of priests 22.  
**Tenures** act 60.  
**Tithes** 13, abolished 25.  
**Treaty of Paris** 33.  
**U. E. Loyalists** 51-58.  
**Union act of 1841**, 86, meeting of first legislature 86, declarations as to church and state 96-97.  
**Vvil**, Daniel, case of 20.  
**Wedderburn**, 36.  
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